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Franklin Pierce

THE REPUBLIC;  
OR,  
A HISTORY  
OF THE  
UNITED STATES OF AMERICA  
IN  
THE ADMINISTRATIONS,

FROM THE MONARCHIC COLONIAL DAYS  
TO THE PRESENT TIMES.

BY  
JOHN ROBERT IRELAN, M. D.

IN EIGHTEEN VOLUMES.

Volume XIV.

CHICAGO:  
FAIRBANKS AND PALMER PUBLISHING CO.

BOSTON: MARTIN GARRISON & Co. NEW YORK: JOHN CUMMINGS.  
WASHINGTON, D. C.: W. F. MORSE. CINCINNATI: THE CINCINNATI PUBLISHING CO.  
ST. LOUIS: E. HOLDOWAY. MINNEAPOLIS: BUCKEYE PUBLISHING CO.  
SAN FRANCISCO: J. DEWING & Co.

1888.

Checked  
May 1942

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# HISTORY.

OF THE

LIFE, ADMINISTRATION,  
AND TIMES

OF

# FRANKLIN PIERCE,

*Fourteenth President of the United States.*

---

End of the Long Period of Compromises,

AND DEVELOPMENT OF

The Final Conflict of Freedom and Slavery.

---

BY

JOHN ROBERT IRELAN, M. D.



CHICAGO:

FAIRBANKS AND PALMER PUBLISHING CO.

1888.

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LIFE, ADMINISTRATION, AND TIMES  
OF  
FRANKLIN PIERCE,

FOURTEENTH PRESIDENT OF THE UNITED STATES.

March 4, 1853, to March 4, 1857.

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CHAPTER I.

THE PIERCES—GENERAL BENJAMIN PIERCE.

FRANKLIN PIERCE came before the country as a candidate for the Presidency, comparatively an unknown man, and this very fact, it was supposed by the party managers and leaders, would add an unusual element of strength to him in the race, as had been the case with James K. Polk. In this they were not mistaken, although there was a marked difference in the public record of the two men. Mr. Polk had acquired somewhat of a national reputation by his services in Congress, and as Governor of his State; while Pierce's Mexican War experiences were greatly overshadowed by the brilliant deeds of others, and were, besides, unfortunately liable to misconstruction. But the "unpopularity" of his opponent, the last of the Whigs, the peculiar irritability and complications of the great slavery issue, and all the

real, fictitious, and personal elements of advantage were developed with a result far beyond the most sanguine expectations of the Democratic leaders. How far the purposes and hopes of his party were fulfilled in him, and the country benefited and advanced under his Administration, may, to some extent, be seen in these pages.

In New England, at least, before the Presidential campaign of 1852, the family of Franklin Pierce was well known, mainly, however, from the public life of his father and himself. Like a large proportion of American families, these Pierces traced themselves back among the hardy, liberty-loving, energetic, independent, undistinguished early settlers of New England, who above all others, perhaps, have given characteristic and distinctive traits to this country as a people, a nation. This Pierce family had its origin in England, where some of its members were men of culture and worth.

Of this branch of the New England family, the first of whom much is now known, was the father of Franklin Pierce, General Benjamin Pierce, who was born at Lowell (then called Chelmsford), Massachusetts, December 25, 1757. While young his parents died, and he was taken by an uncle to be brought up on a farm. Here, with little desire or opportunity for education, he lived until the breaking out of the war with England in 1775. When the report of the beginning of hostilities at Lexington and Concord reached him, he left the plow, and immediately entered the Colonial army at Cambridge, as a volunteer.

He was in the battle of Bunker's Hill, and served honorably throughout the long war, being mustered out in 1784, as captain of his company. In the following year he appeared in Hillsborough County, New Hampshire, for the purpose of examining some land, and at this time made the purchase of the first small tract for himself in the town (township), now the straggling village, of Hillsborough. In 1786 he put up a log house, and in the following year he married Elizabeth Andrews, a daughter of one of his neighbors. This was a valuable step to him, but the young wife died early in 1788, soon after giving birth to a daughter, her only child. The Andrews family is still one of the most reputable in this old settlement. One of its members, General Andrews, at the age of eighty, now owns and resides on the old Pierce homestead at Hillsborough, and was himself an intimate and daily associate of Benjamin Pierce and his family.

In 1788, Benjamin Pierce was appointed as aid-de-camp to Governor Sullivan, and from this time until toward the close of his life, was quite prominent in the affairs of his State. He possessed some of the qualities of a soldier, but was controlled too much by his political views to seek the satisfaction of military propensities under the early Administrations of the National Government. His Revolutionary services were honorable in a high degree. He was without fear, and, to a great extent, throughout life, his manners were such as to provoke individual hostility. Although never in the field actively after the

Revolution, as an officer in the State militia he long kept up his military spirit. From this service he acquired the title of General. President Adams offered him a commission in 1798, but this he declined without consideration, the proposed war with France being repugnant to his political views. He was a man of strong convictions, and, from the outset, a patriot without any of the qualities of a trimmer; a republican (democrat), pure and simple, without Jacobinie weaknesses.

The Revolution and the Continental army were rough schools, and the training Benjamin Pierce received in them he carried through life, as he did also the sentiments of the wide and manly patriotism they taught. As the settlement grew around him at Hillsborough, he took, by natural force, the position of central figure, and this he never lost. To-day he is regarded by the people of that region as the most noted, and, perhaps, the most worthy character ever intimately connected with its history. He was industrious and energetic, and his steps were mainly guided by good judgment, and, although beginning with nothing, he accumulated what was considered a considerable property for a New England farmer of that day.

In 1789 he was again married, and in the spring of the same year began his political career as a member of the Legislature. To this position he was annually elected for twelve or thirteen years, every summer serving a term at the Capital. He next served for ten or eleven years as a member of the

Governor's Council; and having been three times appointed sheriff of his county, was holding that office when elected Governor in 1827.

In the spring of 1828, he was again the candidate of his party, but was defeated. In the following year he was again taken up, and this time elected by several thousand majority.

He was not a candidate for re-election, and this was his last considerable public service, although there was, perhaps, no more popular man in the whole State, and but one, Isaac Hill, more widely known, at the time. He was now old, and both his taste and fitness for public trusts were passing away. He had been a man of great vigor and endurance, and although he had reached the good old age often found in the inhabitants of this beautiful mountain region, in the latter part of his life he was feeble and finally became paralyzed and helpless. In 1839 he died, only a few months after the death of his wife. Their bodies lie side by side in the town cemetery near their old home. Over them their children erected an unpretentious monument, and recently the grandson, Frank Hawthorne Pierce, has placed a neat granite curbing around the lot.

On the west side of the Pierce monument, which is a short, square granite stone terminating in a four-sided pyramid two or three feet high, is the inscription: "Benjamin Pierce, born in Chelmsford, Mass., Dec. 25, 1757, died April 1, 1839, aged 82 years."

On the north face of the stone: "Benjamin Pierce served in the War of the Revolution, from its com-

mencement to its close. Governor of New Hampshire in the years 1827 and 1829."

East side: "Elizabeth Andrews, wife of Benjamin Pierce, born in Hillsboro, N. H., Aug. 17, 1767; died Aug. 13, 1788, aged 20 years.

On the remaining side: "Anna Kendrick, wife of Benjamin Pierce, born in Amherst, N. H., Oct. 30, 1768; died Dec. 7, 1838, aged 70 years."

The body of Nancy M. Pierce, wife of General Solomon McNeil, and daughter of Benjamin Pierce and Anna Kendrick, who died in 1837, lies near the graves of her parents. Also one of her daughters, and several members of the McNeil family. Here, too, is the body of Susan Tuttle, wife of Henry D. Pierce.

The children of General Benjamin Pierce and his wife, Anna Kendrick, were Benjamin U., J. Sullivan, Charles, Nancy M., Franklin, Henry Dearborn, and Harriet. One daughter died in youth, and the other two died the year before their mother.

Benjamin was educated for the law profession but when the second war with Great Britain began he entered the army, and died in the service in 1850. He had risen to the rank of colonel or brevet-colonel, and was an officer of merit. He was two or three times married, one of his wives being an Indian. Charles also died young, in the regular army. Nancy married General Solomon McNeil, and one of her children, John McNeil, is now living at Winchester, and another, Mrs. Tappan Wentworth, at Lowell, Massachusetts. Harriet married H. Jamison. Eliza-

beth, the child of the first marriage (daughter of Elizabeth Andrews), was the wife of General John McNeil, and one of her daughters became the wife of General Benham, of the United States army. The only living child of these long-lived parents is Henry Dearborn Pierce, a farmer who resides at Hillsborough. He has taken some part in public affairs, and is a man of some ability. Two of his sons, Frank Hawthorne, and Kirk Dearborn, are residing at Hillsborough, and are both lawyers, the latter having a family.

General Benjamin Pierce was one of the most remarkable of the many unlettered men who have been distinguished in the history of this country. He was what is commonly called a wicked and worldly man, and his wife, Anna Kendrick, should, perhaps, be put in the same class. He was extremely profane, and seldom talked to men of any profession, when at home, without swearing. Among his other disgusting habits was that of tobacco-chewing, and so utterly indifferent was he in this unclean practice as to be often guilty of spitting in the face of the person with whom he was talking, without especially noticing that he did so. It is said that he seldom allowed a man to pass him on the road without stopping him and asking him where he was going, what his business was, what his name was, and giving him some salutary advice with a few hard words in it. On one of these occasions he met a nice, quiet appearing person, to whom he said in about the usual way, spitting tobacco all the time: "Where are you going? Damn

it, what you got there? Where'd you get such a rig as that, damn it? Damn it, what's your name?" To which the mild-mannered stranger, replying that he was a preacher, said that he was going to do what he was sorry to say General Pierce had not yet learned, attend to his own business and be a gentleman. This dashing reply struck the old man as at the same time so bold and truthful that he invited the parson to go to his house and make use of his hospitality to his heart's content. From this story alone it would not be hard to understand the general manners of Benjamin Pierce. But it will not be supposed that this was the only side of his life, or that when in the Legislature or in the Governor's chair he exhibited much of this disgusting off-hand roughness. The case was quite different. His fine judgment and good sense were always uppermost, and few men could display more dignity in manner or speech when occasion required it.

With the great mass of easy-going people, who knew him, he was quite "popular." And to more thoughtful and scrupulous men he had other qualities, which overshadowed all his objectionable habits; and so, on the whole, he stood very high with all classes, and his good standing was not confined to his own part of the State.

As his means increased, his neighborly generosity increased, and with an utter neglect of the least degree of pretension or display, all men in reach of him, who needed, felt the benefits of his kindness. In this beautiful region, in his day as now, with all

its signs of equal comfort, there were scores of men and women at times who were worthy objects of kindly charity, or who in illness or other misfortune felt this open-handed giver as a friend in need. It was a custom with him in cases of ill neighbors, or others who could not help themselves, to send them provisions and have done for them other things he saw they must need. He would say: "John, kill a sheep and take a quarter over to Johnson; damn it, he needs it." There were, indeed, few ways in which the large community in which he lived did not feel his good influences and deeds throughout his life.

Hillsborough was no exception to the foolish and disgusting custom of the early times throughout this country of using whisky in the harvest-fields, taking the morning bitters, drinking like savages at log-rolling and house-raisings, and getting drunk on election-days. But Benjamin Pierce was never known, in the ordinary way of speaking, to drink to excess. Although he took what is vulgarly termed a "dram" sometimes, he was an enemy to drinking as a habit, and his influence in that respect, as mainly otherwise, was strong and good in his family and neighborhood. His only living son, Henry D., who still resides in Hillsborough Township, is a temperance lecturer and a bitter foe to whisky-drinking in any form, although a hardy farmer in a region where a crusade against whisky would not be popular to-day.

With Benjamin Pierce's wife the case was some-

what different. She was really fond of whisky, even if she did not frequently drink it "to excess." So far as I have been able to discover, this taste, disgusting and foolish always, and strange and unusual in woman, was inherited. What attempts her husband ever made to eradicate the unnatural and abnormal taste were not matters of neighborhood knowledge. These he kept in his own bosom. One thing is certain, she never gave it up; nor, unfortunately, did her evil inheritance die with her. She was possessed of some singular traits, which, however, were mainly owing to her fondness for strong drink. One of her fantastic capers was to don some striking or outlandish dress and appear in it among the neighbors. On a Sunday morning she was known to appear at Church dressed in a very flashy manner, with a short gown, displaying her comely ankles encircled by red ribbons. She was a plump, pretty woman, and like her husband, a generous and useful neighbor. She was also an industrious and skillful housekeeper. The old Pierce homestead, where she lived and died, yet carries some of the traces of her taste and care. One of its parlors has on its walls in a perfect state of preservation and cleanliness the paper put on when it was her parlor. The pattern is one of the strange old ones, having life-size pictures of scenes in the old Roman days, or the feudal times of "Merrie England." Several articles of furniture, now owned by General Andrews, also belonged to the house when she was its mistress. In admitting a stranger to view these objects the present mistress took occasion

to apologize for the condition in which affairs generally might be found. But in this case especially, if not always, an apology seemed to be wholly out of the question. The condition of every visible object in the house was absolutely perfect and neat.

Wherever I went in all this clean and tidy New England I found the women models, perfect models, as housekeepers, if not also as mothers. Outside of her homes, as well as inside, New England has the appearance of a newly painted landscape, and this appearance looks to be perpetual. With all her work and push and thrift, it is the most quiet and least boisterous part of this country. Loudness is more a production of the vast, many-sided West, perhaps. An acre of miscellaneous children anywhere in the valley of the Ohio can make as much noise as any similar number anywhere in Christendom. Some nights on which I staid at Hillsborough, New Hampshire, this matter was brought vividly to my notice. Although I saw many children, I heard not a cry, scream, shout or loud laugh. I could not help comparing myself to the people who lived on this noisy globe at the time of the experiment of the strange genius, an old European Yankee, to bring about a state of absolute quiet. It was said that this singular fellow issued a proclamation to all the world, calling upon every man, woman, and child to give one terrible, mighty yell at the same instant, the earth over, and authoritatively fixed the day, hour, and very moment for the world-rending shout. Like one of the ancient demigods, he said the sound would be

the most awful ever heard, and would far surpass all the thunders of Jupiter. Very well this wiseacre understood what the result would be; for with all the proneness of uncultured human nature to perpetual racket, he knew that, even in that, unanimity or concert of action was totally impossible.

The appointed moment came, and as everybody listened, with mouth, ear, and eye open, to catch and note the terrific crash, the result was that, saving the quiet and peaceful days of Eden, there had not been so still a time since time itself began, no person having hallooed at all, but an old woman over in a corner of China.

## CHAPTER II.

FRANKLIN PIERCE IN SCHOOL—STARTS IN HIS PROFESSION—BEGINS HIS POLITICAL CAREER—THE LEGISLATURE—CONGRESS.

FRANKLIN PIERCE, fourth son of Benjamin Pierce and his wife, Anna Kendrick, was born on a farm at Hillsborough, in New Hampshire, November 23, 1804. Now the house in which Pierce was born is one of the few straggling houses standing along the road, and altogether dignified with the name of Hillsborough village. Most of these houses have farm-lands in the rear of them of greater or less extent, and most of the land connected with the Pierce homestead is still undivided. This Hillsborough has a post-office in a store on the road-side, and several hundred yards from this is a hotel. These present the only signs of business apparent in the “village,” save that a snug little two-room frame building not far from this hotel, and standing far back in a large, clean, pretty yard, has above its door “Frank H. Pierce, Attorney at Law.” The inside of this snug little office presents the appearance of the retreat of an old flourishing lawyer, and does so mainly because it contains, to a great extent, the library of President Pierce. The main village in this county is called “The Bridge,” and it is a Hillsbor-

ough too. The railroad passing through this county now has a station at this place, and this is called Hillsborough Station. In the peculiar, needless, and annoying custom of this country there are many other Hillsborough villages and hamlets in Hillsborough County. When this is said it will be readily understood that in most of the early references to Hillsborough, the town (township) or county is really meant.

It is worthy of remark at this point that the first seventeen Presidents of the United States, with, perhaps, the exception of Martin Van Buren and Andrew Johnson, were born on farms. Johnson was a native of the town of Raleigh, North Carolina, certainly; but Martin Van Buren's case is not so easily settled. The house in which he was born, even now, is on the very outskirt of the village of Kinderhook proper. Like many of these country places, especially in the Middle and Eastern States, these village houses were attached to farms. Still Abraham Van Buren's house became a sort of inn, and was the village loafers', drinkers', and gossips' resort, and the place of meeting in the transaction of some of the small political affairs of the town (township) and village. Kinderhook was a country place, and Raleigh was little more.

Benjamin Pierce gave all his children a good book education for the times; but for some reason, as in almost all such cases not very apparent, it was decided to give Frank still better opportunities. This was certainly not owing to the boy's precocity or uncommon taste for books, for he possessed neither. However, he was early sent to the academy at Han-

cock, and subsequently to another at Francestown, where he lived in the family of Peter Woodbury, the father of Judge Levi Woodbury, with whom he studied law in after years. At this time he was known as an amiable boy, and while not distinguished for brightness, he was really a favorite, especially out of school, with young and old, on account of his frank and attractive manners and acts. He was an unpretending, kind, generous, and gentle fellow, and these traits hung to him through life.

In 1820 he entered Bowdoin College, at Brunswick, Maine, and in the summer of 1824 graduated well up in his class. This institution had among its students at this time several young men who became distinguished in letters and politics. The unfortunate Jonathan Cilley and John P. Hale were two of the latter; and Calvin E. Stowe and Nathaniel Hawthorne, two of the former.

For the first year or two many of his bright companions greatly distanced him in the school-room; while his attractive social traits placed him among the leaders on the outside. He was first or second officer of a military company of students in which poor Hawthorne, who never could have had the least taste for such a thing, was a private. In this capacity Pierce was quite brilliant, even taking for his parade, grounds forbidden to such use, and disputing with the president of the college as to the supremacy of military over civil authority. In the second or third winter of his college course, he made a visit to Hebron, Maine, with his associate, Zenas Caldwell,

where he was induced to teach a school for three months at thirteen dollars a month. One of his campaign biographers relates the following story of him while acting as schoolmaster here, whether with a view of intimating some uncommon superhuman agency in his affairs or not it is not said:—

“Entering the school-house, he found nine different kinds of arithmetics in use! His first act was to send down to Portland for a copy of each. At last, in the course of the winter, he came upon a very blind problem, which, amid all the cares which pressed upon him, he could not solve. He took the book containing the problem home to his boarding-house, and walked the floor incessantly. It was in vain that he thought. He went back to his school-room the next morning, dejected, and delivered a long lecture to his scholars upon the propriety of their solving their own problems, as it would do them but little good were he to show them the process. The same night in his room, he again worked painfully at the incorrigible problem; and when about to give up in despair, while walking the room, he chanced to cast his eye upon a little recess in the chimney. Turning a button and opening the door, without any particular object in view, he saw a sheet of paper covered with figures, and looking carefully upon it, what was his astonishment to discover the very problem over which he had so long puzzled his brains, wrought out carefully to a correct result. In a moment he saw the principle which he had overlooked, and which was a key to the answer sought.”

Of his school-days at Bowdoin, his friend Hawthorne wrote:—

“Pierce’s class was small, but composed of individuals seriously intent on the duties and studies of their college

life. They were not boys, but, for the most part, well advanced towards maturity; and, having wrought out their own means of education, where little inclined to neglect the opportunities that had been won at so much cost. They knew the value of time, and had a sense of the responsibilities of their position. Their first scholar—the present Professor Stowe—has long since established his rank among the first scholars of the country. It could have been no easy task to hold successful rivalry with students so much in earnest as these were. During the earlier part of his college course, it may be doubted whether Pierce was distinguished for scholarship. But, for the last two years, he appeared to grow more intent on the business in hand, and, without losing any of his vivacious qualities as a companion, was evidently resolved to gain an honorable elevation in his class. His habits of attention and obedience to college discipline were of the strictest character; he rose progressively in scholarship, and took a highly creditable degree. . . .

“During the first two years, Pierce was extremely inattentive to his college duties, bestowing only such modicum of time upon them as was requisite to supply the merest superficial acquaintance with the course of study for the recitation-room. The consequence was, that, when the relative standing of the members of the class was first authoritatively ascertained, in the junior year, he found himself occupying precisely the lowest position in point of scholarship. In the first mortification of wounded pride, he resolved never to attend another recitation, and accordingly absented himself from college exercises of all kinds for several days, expecting and desiring that some form of punishment, such as suspension or expulsion, would be the result. The faculty of the college, however, with a wise lenity, took no notice of this behavior; and at last, having had time to grow cool, and moved by the grief of his friend Little and another classmate, Pierce determined to

resume the routine of college duties. ‘But,’ said he to his friends, ‘if I do so, you shall see a change!’

“Accordingly, from that time forward, he devoted himself to study. His mind, having run wild for so long a period, could be reclaimed only by the severest efforts of an iron resolution; and for three months afterwards, he rose at four in the morning, toiled all day over his books, and retired only at midnight, allowing himself but four hours for sleep. With habit and exercise, he acquired command over his intellectual powers, and was no longer under the necessity of application so intense. But from the moment when he made his resolve until the close of his college life, he never incurred a censure, never was absent (and then unavoidably) but from two college exercises, never went into the recitation-room without a thorough acquaintance with the subject to be recited, and finally graduated as the third scholar of his class. Nothing save the low standard of his previous scholarship prevented his taking a yet higher rank.

“The moral of this little story lies in the stern and continued exercise of self-controlling will, which redeemed him from indolence, completely changed the aspect of his character, and made this the turning point of his life.”

Franklin Pierce’s early school-days were not marked by great industry or success, perhaps, although at the age of sixteen he was able to enter college. The first half of his college course was by no means distinguished, and indeed so much of his time was squandered in idleness and indifferent sport as to start for a time the question of his expulsion. And he was himself so discouraged with his moderate prospects as to hesitate in his course. At this critical juncture the peculiar services of his father were especially important. In all his difficulties he got no

support from his parents. His matter-of-fact, straightforward old father had no ear for such things.

As an illustration of how such matters worked with him at home, the following story is given substantially as related to me by Mrs. Tappan Wentworth, of Lowell, a daughter of Nancy M. McNeil:—

"Frank was sent into a neighboring community to attend a school of some reputation (the academy at Hancock, it is supposed), but after having some misunderstanding with the teacher, he came to the conclusion that he did not like the school, and that a short way of correcting the evil was to leave unceremoniously, and go home. This plan he carried out at his earliest convenience. But in making his calculations he had neglected to consider all the possibilities in the turn the affair might take at home. He arrived at home just as the family were finishing the midday meal. In the yard he first met his father, who simply said: 'Hallo, Frank; what's up?' On Frank's making a brief statement to the effect that he had quit school on unfavorable terms with the teacher without saying good-bye, the old General, with no further words, called to his mother that Frank had come, and wanted his dinner. This appeared to Frank a very easy ending to the whole matter. But while he was eating his dinner his father notified John, the hired man, to have a horse ready, and, without a moment's waiting when Frank was done, to carry him back to school. Accordingly, when Frank came out speculating on the pleasing attitude of matters at home, he was surprised to receive a quiet notice from his father to mount with John, who would now see him safely back at school. Frank knew there would be no use of delay or expostulation, and was soon jogging back on the difficult road to wisdom."

Subsequently there was little hitch in the way pointed out for Frank, so far as he and his father were concerned. This was, perhaps, the first very important lesson in his life, and may be put down as the starting-point. Had he proven to be the master in the case, his career might have been quite different. He found now that only in a manly, straightforward way, in the use of every effort he possessed, would he be countenanced and supported by his father.

This was the first really great service rendered him by his father; that is, showing him that he had, at least, one legitimate, discreet, wise, determined, sincere, and just master and friend, a lesson that no wise, true, and loving parent will ever neglect to enforce beyond dispute, upon his child.

It was early decided that Frank had qualities for a lawyer, but what his especial fitness for the legal profession was did not, however, so certainly appear until a later date. He had not been very fond of books, and was not overstocked with industry. But he was thought to possess undoubted traits of a speaker, a quality considered generally an absolute essential for a lawyer, and as dispensing, to a great extent, with other traits. In person, voice, and manner, he came up to the highest standard for a successful lawyer. Without a brilliant preparation, or any superior indications of success, from the day he hung out his name in a wagon-shed opposite his father's house, at Hillsborough, he showed what he had not before, perhaps, that he was determined to

disgrace neither his name nor his profession. Failure did not dishearten him; he was not abashed by unshowy and mean circumstances; he believed in his own power; he believed he could attain an object; this was no more, perhaps, than an honorable position in his profession, and a fair comparison with its leading members. He did not overestimate the case, and sit down to dream. The result was beyond his expectation, if not also that of his most sanguine watchers and friends. To say that Franklin Pierce became a great lawyer, would, perhaps, not be true, or, at least, the assertion would be a matter of cavil. Some of the traits of a great lawyer he certainly had, and carried them into his practice, the only test. Upon how far others may have been developed it is not necessary to speculate. Politics came in with its allurements, and although he broke away from it two or three times, he became too much of a politician to be a great lawyer. Beyond this shallow field was the deep ground of statesmanship as a goal; that he ever reached this may still more be a mooted question.

C. C. Bonney, a lawyer of heart, brain, and professional standing in Chicago, says, in his "Sketch of the Characteristics of a Great Lawyer," that "a truly great lawyer is one of the highest products of civilization."

See some of Mr. Bonney's great lawyer's characteristics:—

"His learning is sufficient to enable him to realize the comparative littleness of all human achievements. He has

outlived the ambition of display before courts and juries. He loves justice, law, and peace. He has learned to bear criticism without irritation, censure without anger, and calumny without retaliation. He has learned how surely all schemes of evil bring disaster to those who support them; and that the granite shaft of a noble reputation can not be destroyed by the poisoned breath of slander. A great lawyer will not do a mean thing for money. He hates vice, and delights to stand forth a conquering champion of virtue. The good opinions of the just are precious in his esteem; but neither love of friends nor fear of foes can swerve him from the path of duty. He esteems his office of counselor as higher than political place or scholastic distinction. He detests unnecessary litigation, and delights in averting danger and restoring peace by wise counsel and skillful plans. The good works of the counsel-room are sweeter to him than the glories of the forum. He proves that honesty is the best policy, and that peace pays both lawyer and client better than controversy. . . . He will neither pervert the law nor falsify the facts to defeat an adversary. The motto of his battle-flag is: Fidelity to the law and the facts, *semper fidelis*. . . .

"The highest type of lawyer must be, in the truest sense, a Christian gentleman. How shall he understand the spirit of the law, if he learn it not at the feet of the Supreme Lawgiver? How shall he advise the tribunals of justice, if he learn not wisdom of Him who alone is perfectly just? How shall he counsel concession to avoid controversy, if he be not taught by the Divine Counselor, who is the Prince of Peace? Such a lawyer thrives, not on the misfortunes, but on the prosperity, of his fellow-men. His fortune increases with their success."

Mr. Bonney has faith in his fraternity, and believes that if there are few great lawyers, according to such standard, the supply is quite equal to the

demand, and the world has no right to complain. According to this wise and upright lawyer, eloquence, as well as beauty, may have in it the elements of danger and destruction, and even hideous defects of person may be overshadowed by intellect and virtue. He says of the great lawyer:—

“The splendor of his intellectual attainments and the beauty of his moral character, like the white robes of righteousness, cover all defects of person, voice, and manner. . . . The gift of eloquence is as dangerous to a lawyer as that of beauty is to a woman. It tempts its possessor to build his house upon the sand of a mere accomplishment, instead of the enduring rock of an informed and cultivated judgment. But as great merit and beauty are sometimes found united in the same person, so also are brilliant eloquence and equal intellectual power.”

How near Franklin Pierce approached any or all of these standards may be seen, to some extent, in the course of this work. Soon after leaving college he began to study law in the office of Levi Woodbury at Portsmouth. He subsequently attended the law-school at Northampton, Massachusetts; and completed his preparatory studies under Judge Edmund Parker at Amherst in his own State. At last he was “admitted to the bar,” and offered himself for practice at Hillsborough. His original “office” was a part of a stable or wagon-shed, across the road opposite his father’s house. This structure was taken down long ago. While holding forth in this place he tried his first cause, and failed. This was, no doubt, a source of mortification to him at the time, but it certainly

did not discourage him. To a "friend" who offered him consolation he said:—

"I do not need that. I will try nine hundred and ninety-nine cases, if clients will continue to trust me, and, if I fail, as I have to-day, will try the thousandth. I shall live to argue cases in this court-house in a manner that will mortify neither myself nor my friends."

This was his second display of one of the leading elements of great success. In college he had failed at first, but when he had once determined to achieve his purpose the battle was virtually gained. So now his confidence in himself was unbroken, and defeat only fixed his determination. He did not, however, step at once into legal distinction, although his opportunities were exceedingly favorable. His father was then Governor of the State, and at the height of his popularity, and the political party to which they both belonged greatly predominated in his field of practice. He did not long escape the allurements of politics. He even led his father in espousing the cause of General Jackson in 1828, and they were both life-long admirers of Jackson, and defenders of what they termed his brilliant and glorious Administration.

In spite of the exertions of the party, the election went against them in 1828, but the next spring his father was not only successful, but he himself was elected by the people of his county to represent them in the Legislature. In June he took his seat in that body, and began his political career. The Legislature of New Hampshire, singularly enough, holds its sessions in the heat of summer, beginning

in June. Until 1879 the State elections were held in March annually, but since that date they occur in the fall every alternate year, as is the case in most other States. The Governor, members of the Legislature, etc., are now, therefore, elected for two years instead of one as formerly. But the Legislature still holds its sessions in the summer. This practice originally, no doubt, grew out of the inconvenience of traveling in the winter in this region before the day of railroads; but since that time it has been kept up for preventing long and useless sessions, that season absolutely requiring members to be at home. In the summer of 1881, when I visited the beautiful little capital of this State, the Legislature was still drawing out its sitting into August; and yet, as I was told, it was mainly composed of farmers, a body of men elected, it had been claimed, with especial reference to doing something well and quickly, for a lawyer and politician befogged commonwealth. There were not enough lawyers in the body to write and put in shape its numerous acts, and nobody else could do such things.

None of Franklin Pierce's speeches at this time are to be found. This was before the day of speech-making by candidates for office in New England. This product of the South and West was not for many years subsequently carried into this region. The Democrats held their first barbecue, and roasted their first Democratic bull on a spit in 1852 for Franklin Pierce, and although the meeting was a wonderful one, the barbecue was not satisfactory, and

has never been repeated. Pierce did not take a prominent part in his first term in the Legislature, and there are few traces of his speeches in these days of newspaper inactivity until his appearance in Congress.

He was re-elected successively on March 10th, in 1830, 1831, and 1832. When the Legislature assembled in June, 1831, he was elected Speaker by a vote of one hundred and fifty-five against fifty for James Wilson, Jr., and eight scattering votes. On the meeting of the Legislature in the following June, he was re-elected Speaker, this time by a greatly increased majority, over his opponent, James Wilson.

His progress had been exceedingly flattering, distancing his expectations, and even for a time shaking his courage. But when the emergency came he did not want the will nor the ability, an adaptable and happy quality that served him well in more important stations in after times.

Of him at this point his friend Hawthorne said :—

“ He had all the natural gifts that adapted him for the post ; courtesy, firmness, quickness and accuracy of judgment, and a clearness of mental perception that brought its own regularity into the scene of confused and entangled debate ; and to these qualities he added whatever was to be attained by laborious study of parliamentary rules. His merit as a presiding officer was universally acknowledged. It is rare that a man combines so much impulse with so great a power of regulating the impulses of himself and others as Franklin Pierce. The faculty, here exercised and improved, of controlling an assembly while agitated by tumultuous controversy, was afterwards called

into play upon a higher field; for, during his Congressional service, Pierce was often summoned to preside in Committee of the Whole, when a turbulent debate was expected to demand peculiar energy in the chair."

One great source of Franklin Pierce's popularity at this period was his modesty, his utter want of pretension and effort of any kind for mere effect. This good and manly quality, also, mainly he carried through life. To thrust himself forward for such a purpose was repugnant to him in others and disgusting in himself. Without these things he got all or more than he desired. In New Hampshire his father's mantle had been transferred to him, and his own intrinsic qualities placed him beyond the need of fictitious display. As a politician he followed in the footsteps of his father, who was always an old-school Democrat (for the greater part of his life known as Republican); but his earlier political ideas and efforts at statesmanship on special points have not been preserved, and hence now rest on general or unsatisfactory tradition, or are referable to his subsequent career.

At the regular election March 12, 1833, he was elected to represent his district in Congress, and in December took his seat in that body for the first time. He was a member of several committees, and quietly did the work assigned to him, seldom or never avoiding any of the obligations put upon him. His speeches were few, perhaps never undertaking one unless it seemed necessary, or was expected of him. Here he was always found with his party, and

was one of the warm defenders of General Jackson and Martin Van Buren, an opponent of John Tyler, and generally strong and one-sided in his denunciations of the Whigs. Although he was never so far a statesman as to avoid entirely these useless partisan weapons, he seldom stooped to personal assaults in his speeches. In 1835 he was re-elected, and in the summer of 1836 the Legislature chose him as one of the United States Senators for six years. In that branch of Congress he took his seat at the first session under Martin Van Buren.

## CHAPTER III.

PIERCE'S CONGRESSIONAL HISTORY—HIS POLITICAL  
STANDING AND PROSPECTS—AS A LAWYER  
AND FINANCIER—JUDGE MINOT.

WANT of room forbids the reproduction here of extracts from Mr. Pierce's speeches in Congress; a matter to be regretted, perhaps, as those speeches not only represent well the views, tendencies, and character of the man at the time, but also better prepare the way for a correct judgment upon the subsequent steps in his career.

In his college days, and at times afterwards, Pierce's tendencies were very decidedly toward a military life, but how little he was the friend of the Academy at West Point may be seen from his speech on that subject. There is no evidence that he ever changed his views concerning the Military Academy. Many men of all parties have shared with him similar sentiments as to that institution.

During his "service" in Congress, both branches of that body embraced in their membership a large number of able and distinguished men. And although his career there had not been at all marked or in any way especially noticeable, he was generally well esteemed by his fellow-members, and by his own party his course and conduct were looked upon with

much favor, and even among the old, experienced, and acknowledged leaders his counsel and opinions were highly valued. Although advanced with unusual rapidity to his present political position, he had kept fully up to the expectations of his friends at home. He quit Congress with an honorable history. He had worked and voted, and made few speeches. During this period the slavery question was greatly agitated throughout the country and in Congress, and on this, as other issues, he took his position; yet not so fully to commit himself to the Southern view of the case, perhaps, as at a later date.

He split the hair on the distinction between the right of Congress to *receive* petitions, and to consider them, and while voting for the bare proposition to receive the petitions from the North on slavery, or to sustain the Constitutional right of petition, he was a member of the committee which framed, and then himself supported, the following resolution:—

“*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being printed or referred, be laid upon the table, and no further action shall be had thereon.”

His action on this resolution, however, preceded his vote to sustain the mere right of petition, which, of course, this resolution effectually invalidated. His course on the slavery issue was now mainly fixed. He strongly supported the compromise measures of 1850, and subsequently favored conciliation and concession to the South on the slavery question, and

always earnestly claimed that his action was based upon the earlier practices of the country, the Constitutional sanctions, and the Compromise legislation, which was obligatory law to every citizen, wherever he lived or whatever his private views. In February he sent his resignation to the Governor of his State, and when about to withdraw from the Senate he apprised that body of his design in a brief, formal letter.

Two or three things had influenced him in taking this unusual step. In 1834 he had been married, and his wife's inclinations were averse to the excitements of public life. She was a delicate, refined woman, and found little to satisfy the true and genuine purposes of life in the insincerities of fashionable society. To some extent Mr. Pierce had neglected his profession, and his private affairs, as well as his family, demanded his attention. Although Pierce stood well with his associates of the Senate, and was looked upon as having fine prospects in his party, he was not himself at ease. He had no passion for public place, nor did he especially delight in hot partisan conflicts. And, although in some sense a "social" man, there is no mistake that he possessed a nature which could not be satisfied by the mental shallowness and frivolous hollowness of general society, and in the common, selfish aspirations of politicians he did not share. The strength and pertinence of this observation will appear farther on in this work, but there can be no doubt that Franklin Pierce's domestic nature, his refined, intellectual, and more

exalted affections and aspirations had much to do with taking him from a field so generally esteemed and valued by ambitious men in his profession. If there is an evil which is contagious in life at the National Capital, and in an atmosphere almost wholly political, it may be safely put down that Franklin Pierce had as yet been little affected by it. On this point he certainly deserved the good opinion of his gentle friend, the author of "The Marble Faun," which I may be excused for sharing and repeating here :—

"He had not met with that misfortune, which, it is to be feared, befalls many men who throw their ardor into polities. The pursuit had taken nothing from the frankness of his nature; now, as ever, he used direct means to gain honorable ends; and his subtlety—for, after all, his heart and purpose were not such as he that runs may read—had the depth of wisdom, and never any quality of cunning. In great part, this undeteriorated manhood was due to his original nobility of nature. Yet it may not be unjust to attribute it, in some degree, to the singular good fortune of his life. He had never, in all his career, found it necessary to stoop. Office had sought him; he had not begged it, nor manevvered for it, nor crept towards it—arts which too frequently bring a man, morally bowed and degraded, to a position which should be one of dignity, but in which he will vainly essay to stand upright."

All of this leads us away from the true seat of Pierce's popularity, for in New Hampshire he was always "popular." It was not in his special liking for party leaders and affairs, his "love" for the right few, in his being a "society" man, nor in his either

sanctioning or entering into the trivial gratifications of men. It had a more manly and worthy foundation, in his affection for the good of all men, and his disposition universally apparent, to deal kindly and truly with them. This trait will be found at the bottom of his good standing, if it does not, to some extent, also furnish an apology for any misstep.

In the summer of 1838 Mr. Pierce removed to Concord. The following letters will explain a matter of some importance in relation to this change in his home:—

“HILLSBOROUGH, August 25, 1838.

“HON. FRANKLIN PIERCE:—

“SIR,—The Democratic Republicans of Hillsborough embrace the opportunity your short stay furnishes, to tender to you an invitation to partake with them of a public dinner, at such time as may be most convenient to you, before you take your leave of Hillsborough.

“In discharging the duty imposed upon them the committee beg leave to assure you that the tender they make is no unmeaning compliment.

“Your childhood was with them, and so have been your riper years. Educated in their midst, one of themselves, the ties that have so long bound you to them can not be easily sundered; and it would be doing violence to their feelings to suffer the present occasion to pass without an opportunity of calling up those recollections that will ever be to them a source of the highest satisfaction.

“You have stood by them at all times. You have been to them even as a son and a brother. Their interests have been your interests, their feelings your feelings. And it is with the sincerest pleasure that they offer you this testimonial, however small, of the estimate they place upon your character, public and private.

"The committee can not but express their regret at the necessity which is about to separate you from the Republican citizens of Hillsborough. Long and intimately have you been known to them; and wherever you may go, they beg leave to assure you that you will carry with you their kindest wishes for your welfare.

"With esteem and respect we have the honor to be yours, etc.,  
TIMOTHY WYMAN, ETC."

"HILLSBOROUGH, September 15, 1838.

"GENTLEMEN,—Your letter in behalf of the Democratic Republicans of Hillsborough, inviting me to partake of a public dinner at such time as might suit my convenience, was duly received.

"Sincerely desirous of exchanging salutations with all my friends, before those relations which have so long subsisted between us should be severed, I have delayed giving an answer, with the hope that my other engagements would allow me this pleasure. In this expectation I am sorry to say, I find myself disappointed. I have received too many substantial evidences of the kind regard and true friendship of the citizens of Hillsborough to need any new assurance of their partiality, and yet I would not disguise the fact that your testimony in parting, as to the manner in which my duties in public and private life have been discharged, is flattering to my feelings, especially so as coming from those who have known me longest and most intimately.

"I shall leave Hillsborough with no ordinary regret. There are a thousand reasons why it can not be otherwise; I have hitherto known no other home.

"Here may have passed away many of the happiest days and months of my life. With these streams and mountains are associated most of the delightful recollections of buoyant and happy boyhood; and in my early intercourse with the generous, independent, and intelligent yeo-

manry of Hillsborough, I became attached to, and learned how highly to appreciate, that class of the community which constitutes the true nobility of this country. I need hardly say that I shall never cease to remember my birth-place with pride as well as affection, and with still more pride shall I recollect the steady, unqualified, and generous confidence which has been reposed in me by its inhabitants. With unfeigned regret, gentlemen, that I am unable to accept the invitation you have communicated in such kind and flattering terms, please to accept for yourselves, and to communicate to my fellow-citizens, whose organs you are on this occasion, the assurance of my warm thanks and sincerest interest in whatever relates to their prosperity and happiness, individually and collectively.

“I am, gentlemen, with the highest respect, your friend and obedient servant,

“FRANKLIN PIERCE.

“TIMOTHY WYMAN, Esq.”

It may not be difficult, at least not impossible, to believe that in the far-off mountains of New Hampshire, in 1838, there was something genuine about this exchange of sentiments and feelings between the people and one of their number on the point of shifting to new fields of action. For mere effect in any direction it was not called for; and laboring under the impression that it had a manly origin, I venture to bring it forward as a true indication of the worthy standing of the young lawyer whose every step had been taken in the presence of those who were now desirous of expressing their appreciation of his success and character. With the usual, and perhaps, unfortunately, not unfair, interpretation put upon such letters and transactions in 1881, I

could not do injustice to the intelligent reader by inserting them here.

Mr. Pierce now entered with great earnestness into his profession. In fact, his political career had greatly interfered with his legal pursuits, and, strictly speaking, his law business dates from his resignation of his seat in the Senate in 1842. At all events, his great success at the bar may be counted from this period. At Concord he first formed a partnership with Judge Fowler, but in 1845 entered into a business association with Josiah Minot, which continued until he became President, only being interrupted by his "service" in the Mexican War. The building in which his law business was conducted during the last years of his practice stands on the corner of Capital and Main Streets. His law partnerships were fortunate, and especially were his connections with Judge Minot pecuniarily valuable. Mr. Pierce had the faculty for making money as a lawyer, but little for keeping it. This defect, if it should be so called, in his make-up was supplied by Judge Minot. To his qualities as a good lawyer, Minot added those of a first-class business man and manager. If it is not generally believed that a lawyer should be a business man in the common acceptance of the term, it is nevertheless true. There can be no such thing, strictly speaking, as a great lawyer, who is not a reliable, ready, and safe general business man. He steps forward to represent men in every kind of pursuit, and his client, in person and fortune, must stand or fall by the cast of his judgment. His advice

where money, property, business, life, everything, may be at stake is often absolute. But Franklin Pierce was not a good business man. From the earliest days of his connection with Judge Minot to his last, and long after they ceased to be law partners, the management of his money was intrusted to Minot. He decided what should be done with it, where it should be placed to bring the surest and best return, and often Pierce did not even know what disposition had been made of it. Even while he was President, the little he saved he sent to Concord to be invested by the Judge, as he very well knew that was the only way that he ever could or would save anything. If Thomas Jefferson had had such a friend and manager the pinching and not altogether reputable schemes of his latter days would have escaped him. When Pierce became President, Minot was invited to go on to Washington to see that everything should be safe in the starting. Of course it has always been the custom of the especial friends of a new President to accompany him to the Capital to see him honorably and safely launched in the perilous position, and often more of them than are chosen. For a time these constitute a kind of Kitchen Cabinet, but usually with less scope in its power and duration than was that peculiar institution under General Jackson.

President Pierce would hardly have felt himself safe at the inauguration of his Administration without the presence of Josiah Minot, although it was not at all designed that he should be a Cabinet minister.

The appointments given to Judge Minot (first, Fifth Auditor of the Treasury, and afterwards Commissioner of Patents) were fully up to his highest expectations, and they were both of his own choice, and especially the latter. The duties of this, however, became too wearing, and needing no office and desiring to be at home with his family, the Judge resigned and returned to Concord, where he continued to act as the President's financial manager. When Mrs. Pierce died, Minot became her sole executor, and at the death of her husband a few years later, the true and wise old friend was appointed the sole executor of his last will and testament.

In the preparation of his causes, in the court, and before a jury, Franklin Pierce must be seen in his strongest light as a lawyer. He seldom came into court without a thorough preparation. He studied well all the points of law and possible bearings of the case, leaving nothing to the chances or inspiration of the moment, or the inclination of his associates. Hard study and hard thinking he did not fear or shun. Before he entered the court-room, as a rule, if he meant to try his cause, he felt that he was prepared. Yet he was not a man for long and uncertain and patient research. He saw his difficulties and wants readily, and provided for them with great rapidity. He had quick perception, and reached his conclusions with as little hesitancy and as much confidence as a woman. In the conduct of his cause in the court his manner, especially in the later years of his practice, was courtly and without chicanery, and

his views always had weight. His fine person was a force that he knew how to use to advantage, and his discussion of his subject seldom fell behind the favorable expectation of the court. Although he was not what is termed a jury lawyer, his appeals to the jury were often of the most impassioned type. With him it was the earnestness of conviction, little mixed with the cant, rant, gush-and-effect and ad captandum rhapsody of the jury pleader. His naturally tender and sympathetic disposition he had the faculty of imparting, to some extent, to those around him, and in causes where his generosity and feeling were excited he had great advantage with the jury. His generosity and well-known kindly inclinations toward men in suffering or misfortune, as well as his general popularity, perhaps counted in his favor at every step before the jury.

As a speaker he blended the language of reason and judgment with that of warm feeling, without much of the turgid sophistry and nonsense often called eloquence. He seldom stepped out of his way to make wild or far-fetched appeals, and before a jury did not forget the dignity he usually displayed in the court.

I have been able to find but one of his legal speeches, perhaps the only one ever published, and this, both from its subject and some of the language and details, is wholly unfit to be made a part of this history. This was made in his defense of the Wentworths for murder in 1850. He gained this case, and both his speech and conduct of the suit have

been very highly and justly praised. But my repugnance to perpetuating stories and scenes of murder and wrong far outweighs my sense of the really little Franklin Pierce's character can suffer from my failure to reproduce and preserve this speech. The loss of the hundreds of noble and manly speeches he made in the court-houses in various parts of New Hampshire is, however, much to be deplored. These would, no doubt, give a touch, finish, and strength to this sketch of his legal career, for which many words and pages of testimony may not compensate.

Until 1845 Pierce and his old school-fellow, John P. Hale, had worked together in the same party, but when the latter joined the Free-soilers, and opposed the annexation of Texas, Pierce took a strong stand against him. The following letter, which is taken from his papers in my possession, will be of permanent interest in the statement of his own position on the question of annexation, and as exhibiting his earnest feeling in reference to the course of an old personal and party friend :—

“ CONCORD, JANUARY 24, 1845.

“ MY DEAR SIR,—Your letter of the 18th inst., addressed to me as a friend and not as a politician, was read with the deepest feeling. I have been wholly unable to account for your circular or to find for it any plausible justification. If you had felt constrained to oppose annexation in any form in which it might finally be presented to the House; if you had spoken against it and voted against it, it would have been a matter of regret to the great body of your Democratic friends, but still it would not have been made a ground of opposition to your re-

election. It was only this uncalled request that your friends, who were in favor of annexation, should express their disapprobation of you and your course at the polls, that could have produced the present state of feeling. On the receipt of your letter, our friends here thought that no course was left but to call a new convention. I wished before forming a conclusion upon that question to learn whether any possible explanation could be made. I therefore went to Dover, saw many of your personal and political friends. They were surprised, grieved, and vexed, but very decided as to the course which they thought the Democratic party ought to pursue. Aside from the political bearing of this circular, they looked upon it as cruel and unjust toward a large circle of as true friends as ever watched with solicitude the fortunes of a public man. You know that many of us had advocated annexation with zeal; if it were as you consider it, a zeal without knowledge, we had a right to expect that even our ignorance would be treated by you with forbearance and not with this rude, sweeping denunciation. We did not anticipate, whatever course you might think proper to pursue, that you would hold us up for the scorn of earth and the judgment of Heaven, and call us all to an account at the ballot-box. Nothing has ever occurred in the politics of this State to give me so much pain as your movement and the action which it has rendered indispensable for the vindication of the party, and indeed for its preservation.

"Yours, etc.,

FR. PIERCE."

In the fall of 1845 Levi Woodbury resigned his seat in the Senate of the United States, and on the 9th of October, in a brief letter, John H. Steele, the Governor of New Hampshire, tendered the vacant place for the remainder of the unexpired Senatorial term to Franklin Pierce. But this he declined

two days subsequently in one of his characteristically warm and friendly "notes."

In August, 1846, President Polk offered Pierce a place in his Cabinet, but this flattering proposition he also declined. In his letter the President said :—

"It gives me sincere pleasure to invite you to accept a place in my Cabinet, by tendering to you the office of Attorney-General of the United States. I have selected you for this important office from my personal knowledge of you, and without the solicitation or suggestion of any one. I have done so because I have no doubt your personal association with me would be pleasant, and from the consideration that in the discharge of the duties of the office you could render me important aid in conducting my Administration. In this instance, at least, the office has sought the man, and not the man the office, and I hope you may accept it."

Sometime previously he had accepted the appointment of District Attorney for New Hampshire, which he held until he began to make preparations to enter the army in 1847, the duties of the office not interfering with his tastes or his business.

## CHAPTER IV.

FRANKLIN PIERCE IN THE MEXICAN WAR—AN HONORABLE HISTORY.

ON leaving Congress in 1842, and repeatedly afterwards, Mr. Pierce had indicated that a foreign war in which his country might be engaged would furnish an occasion to draw him from his home and profession. Sooner than he had expected, the time arrived, and when New Hampshire set about raising her first small quota of troops, he enlisted in the company forming at Concord as a private, and as such drilled in the ranks.

When Congress made provision to call out ten additional regiments, President Polk commissioned him as colonel of the Ninth. This position he accepted. He considered himself under the obligations of a pledge to go into this war. Then, besides fully supporting the views of the Administration as to its necessity and righteousness, he felt that the opportunity had come for him to gratify his early military aspirations, not yet lost. But there is little ground for belief that he was to any great extent actuated by dreams of military glory. The roads to public distinction which had from time to time been opened to him he had of his own accord, and sometimes against the advice of his friends, himself closed.

Still he was not without a desire for a short military service which might be esteemed honorable by the country. While his expectations were realized in this particular to some extent, his campaign in Mexico had an air of misfortune about it for which he was not responsible, perhaps, and which never could have escaped his own regrets, as it did not fail to annoy his friends a few years later, when the time came to explore and explode his past history in the heat and unfairness of political contest.

Scarcely had he received and accepted the appointment as colonel when President Polk, who had a strong desire to forward his political interests, commissioned him as one of the new political brigadier-generals. This commission, dated March 3, 1847, he also accepted. For a time he made his quarters at the Tremont House in Boston. But he lost little time in preparation, and with his brigade reached Vera Cruz on the 28th of June. His brigade was the first of the two of which Pillow's division was composed, and consisted of the ninth, twelfth, and fifteenth regiments; the first made up of New England men, the next of Southern, and the last of men from the North-west. After experiencing the same difficulties passed through by Taylor and Scott, as to the means of transportation, and suffering to some extent from the exposure of his troops to yellow fever, at last on the 16th of July he set out with about two thousand four hundred men on what has been deemed a perilous march (which certainly would have been so in the country of a brave and spirited

enemy) to join General Scott at Puebla. With some skirmishing at the National Bridge and two or three other points, and the constant harassment of rumors, on the 6th of August he reached the main army, and received the compliments of General Scott for the successful manner in which he had made the long trip. Although he had been compelled to leave two hundred of his men sick at the Castle of Perote, he took from the convalesced at the Castle at least an equal number, so that by his arrival Scott's little army was increased by twenty-four hundred and twenty-nine men. Long cut off from Vera Cruz, and hence with connection with the United States, the army at Puebla expected another very important thing by his coming, plenty of money; but in this it was disappointed, for strangely and unaccountably enough, he brought somewhat less than a hundred thousand dollars, in drafts only, to be negotiated at great disadvantage in an enemy's country.

On the afternoon of the 19th of August began the battle of Contreras, the first of the series of brilliant and wonderful engagements, by which the little army of ten thousand Americans captured the old City of Mexico, and conquered an "honorable peace" with the country. The ground on which the battle of Contreras was fought (the first act of what was at first termed in the army the Battle of Mexico) was one of the strange and interesting rocky volcanic beds found in the lower part of the Cordilleras. When night fell upon the army little had been accomplished. The mephitic valley had resounded with the dreadful

roar of artillery, and the boastful Mexican claimed a victory, and only awaited the approach of morning to disperse or annihilate the invaders before him. Much confusion followed the struggle of the Americans to cross the Pedregal (lava field), and when a night of storm overtook them, each commander pursued what course seemed to him best, not knowing the disposition made of troops not under his own direction. Early in the afternoon General Scott had taken a position at the Hill of Contreras or Zacatipec in the midst of the Pedregal, from which he could direct affairs on the field, but as the darkness and storm of night came on he retired to San Augustine.

In taking a position between the Hill of Zacatipec and the enemy with a part of his brigade, General Pierce had met with the misfortune which followed him through the campaign, and, indeed, long subsequently. His horse had fallen into one of the crevasses of the Pedregal, and not only broken his own leg, but also strained and bruised that of his rider, for a short time rendering it necessary for Ransom, the brave colonel of the New England Ninth, to lead the brigade. But at midnight Pierce was again at the head of his troops, and in the absence of a superior officer and not knowing either the position of the rest of the army, or the dispositions made for the ensuing morning, took the responsibility, but really against his own inclinations, to fall back to the foot of Zacatipec, to rest and recover for the remainder of the night. General Persifer F. Smith, however, devised a plan of making an attack on the

Mexican position early in the morning, which he communicated to General Scott, and which in the main being approved, Captain Robert E. Lee, of the engineer corps, was sent to conduct General Pierce with his brigade and Magruder's battery back to the post they had occupied in the rain before midnight. He was, however, unable to do much more than join in the pursuit of the enemy, beaten and put to flight at daybreak by Riley and Cadwallader.

Against the will of General Scott, who highly esteemed his valor and spirit, Pierce again led his brigade at Churubusco in the afternoon of the 20th. Unable to ride amidst the ditches and swamps, he dismounted, and in attempting to lead his men, fell fainting on the field from the pain in his bruised and strained leg. He was finally carried from the field, but against his own protest. Scarcely had the great battle ended when he was called by General Scott to join Generals Quitman and Smith to arrange the conditions of the armistice with the representatives of Santa Anna.

The two following letters to his wife and her brother, Robert Appleton, written at this juncture, present the main features of the parts he had been called to take, and the events which had befallen him, as well as give a true glimpse of his feelings and longings:—

“HEAD-QUARTERS 1ST BRIGADE, THIRD DIVISION, U. S. A., }  
“MEXSOQUE, MEXICO, August 23, 1847. }

“MY DEAREST JEANIE,—I have taken but an imperfect note of time since I left Vera Cruz. The forty-three days that elapsed between my departure from that city, and my arrival

here seem not to have been marked by the rising and setting sun, but to have been run together. I have a sufficiently distinct consciousness of long, weary days and short hours of repose. But marching as we did, often till a late hour, pitching our tents, as we often did, at 9, 10, and even 11 o'clock, and starting again at 3, 4, and 5 in the morning, it was really difficult to keep the day of the week and month without a memorandum. From the time that the *Kepler* anchored off the Castle of San Juan d'Ulloa until since the great battle of Mexico (a period of three months) I knew nothing like a day of relaxation and rest. The blessed Sunday, from the circumstances in which we were placed, brought us in reality no Sabbath-day. Is it not wonderful, dearest, that through all this long march, with its battles, exposures, and fatigues I have not taken a particle of medicine or required any external application, except that which has been made to my injured knee since the 19th ult. I think I should have suffered but little comparatively from the fall of my horse if I could have had rest and surgical attendance; but instead of either I had, as I have stated in my previous letters, all sorts of exposure. I am able to walk and ride, and will, I trust, soon be well again. On the night of the 19th, my servants being separated from me by a mile or two in the heavy rain, like myself, in thick darkness, without covering, lost my traveling-bags, with my dressing-gown, dressing-case, and many other articles which I could not well spare; but I have at last supplied myself in part. The army was at first a good deal dissatisfied with the armistice agreed upon by the Commissioners, but all reasonable men are, I believe, now satisfied that it was the only course that could afford a prospect of peace. If we had marched into the city on the evening of the 20th, peace, in my judgment, would have postponed indefinitely. I, for one, came here not to riot in the destruction of human life; not to destroy a city; not to subjugate a nation, but to 'conquer a peace.' I have acted from beginning to end with a sole view to this object; for it I have endured fatigues, been exposed to dangers, but, above all, sacrificed the comfort and happiness of those more dear to me than my own life; and I felt no disposition to consult the pride or ambition of the army flushed with triumph and eager to

enter, with little possibility of restraint, a great, magnificent, subjugated city. From the beginning to the end of that long conference my attention was directed solely to the great object of an honorable peace, and all the denunciations the next day of men and officers, whose thoughts seemed to have been fixed upon a ‘revel in the halls,’ produced no more effect upon my feelings than has sometimes an outbreak of undeserved praise. The tone is very much changed even now, and wisdom whispers where passion spoke at first. In a day or two our action will be approved by all patriotic and humane men. I have no idea when this letter is to be sent to Vera Cruz, but although I have already written three letters—I think of you, dearest, constantly and can not help writing—with the exception of a letter of some length which I wrote to dear brother Robert, I have written to you and you only. I attended yesterday public worship at the bishop’s palace at Tacabaya (General Scott’s head-quarters). Father MacArthy, chaplain (I think) of the 8th Infantry, officiated. On the 20th he distinguished himself, under heavy fire, by being near the wounded and suffering, and administering to them as he was able. I should judge him to be near sixty. He is evidently a well-educated Episcopal clergyman—an enthusiast in the cause in which we are now engaged for our country, and an enthusiast, I should judge, for the cause of Christ, however incongruous the two things to some may seem. There were present at the service probably two hundred officers of all grades, and several foreigners, with their wives and families. It was a solemn meeting, and there seemed to be a general lifting up of hearts to the God of battles. I hope my own, among others, was not untouched by a deep sense of dependence and unworthiness.

“*September 1st.*—All sorts of rumors have been afloat, within the last two days as to the prospects of peace, and having been to Tacabaya, I know that things do not look so flattering as I would desire; still I am not without hope. I received an order to-day from the Commander-in-Chief to hold my command on the *qui vive*, which is certainly not encouraging. I turn now with horror from the contemplation of more slaughter; but when the day comes, if come it must, I suppose I shall feel as I have done before, regardless of danger to myself or others, and

absorbed only with the thought, that every thing is at stake with us and our country and that victory is to be achieved at any sacrifice. Indeed, with the present temper of this army, if there were known to be in the city one hundred thousand men, with one hundred pieces of artillery, I do not believe that fifty men in our whole command would even dream of any thing but victory. My knee is gaining fast. I am daily many hours in the saddle, preparing for the worst, but hoping for the best. As I have said in a former letter, God grant that I may have seen the last battle-field and its agonizing results. Poor Sergeant Stowell, of Concord, who behaved most gallantly, died of his wound yesterday.

*“ Friday, September 3d.—I was compelled night before last, from the combined effects of my injury and a severe diarrhoea, to take my bed (albeit not a soft one) and take medicine, the first I have taken since I left Vera Cruz more than fifty days ago, but the elasticity of my constitution seems equal to all that my position imposes upon me. I have just returned from a walk and really feel better than for several days before. I have hardly observed before the striking beauties of the picturesque scenery by which we are surrounded. In full view of the city; its cathedrals and gorgeous porcelain domes and towers; the unrivaled valley, with its lakes, all in a basin skirted by bold and majestic mountains, one feels how faint are the descriptions we have so often read, and yet I turn from them with a sort of disgust, they are so connected with painful scenes, with an anxious and inexpressible yearning for my dear, quiet home where are all my earthly treasures. O my country! my blessed country!—above all, my countrymen; that they could know and appreciate the privileges and blessings which, as a whole people, they enjoy! The slavery of the South is not to be compared with the abject, hateful slavery of the Indian race here. There is from Vera Cruz to this place nothing like intelligence among the masses; nothing like freedom as we understand it; nothing like a free population, framing their own laws and controlling their own government. But magnificent haciendas, the lords of which (if I may so express myself) own millions of fertile acres, with hundreds of the most squalid, naked, abject, ignorant *pintors*, as the Indians are called, for*

their cultivation, living under the canopy of heaven, or, if more favored, in caves and huts. It is indeed a land of flowers, a land, I am inclined to think, of almost unrivaled natural advantages; but still it is a land of decay, deterioration, and woe, and slavery, so far as the masses are concerned. The religion of the masses is not the Catholic religion, but the germ of it overshadowed by gross idolatry.

*"Saturday, September 4th.—I hope to have an opportunity to send this to-morrow by General Scott's express. It is thought that the prospects of peace are now flattering. Two or three days will probably develop some decisive result. I have not heard a word from the States since I left Vera Cruz, but we are now hoping for the arrival of a mail. I should be glad to send to Robert four hundred or five hundred dollars, which I have at command, but at present it is impossible. Mr. Minot will supply all your wants in the way of money, and my desire is that you situate yourself as comfortably as possible at the Merrimack House, without reference to expense."*

"HEAD-QUARTERS FIRST BRIGADE, SECOND DIVISION,  
"U. S. A., MEXSOQUE, MEXICO, August 27, 1847. }

*"MY DEAR BROTHER,—Since I left Vera Cruz to this hour I have had no means of communicating with the States. Although but a few months in the service, I know what is fatigue, anxiety, and exposure. Contrary to my expectations, and contrary to my orders from the Department at Washington, I was compelled for the want of the requisite provisions for transportation to remain more than three weeks at Vera Cruz, and more than four in *Terra Caliente* (the vomito region so called.)*

*"I left the dreaded city on the 10th of July with two thousand five hundred men of all army, and a train of wagons, which, when closed up, extended more than two miles. On the 6th of August I reached Puebla without the loss of a single wagon, and with my command in fine condition. My command was attacked six times on the march, but the enemy's force in each instance was easily dispersed, with trifling loss on our side. The Natural Bridge afforded the enemy great natural advantages, to which they had added breastworks on a high bluff, which commanded the bridge perfectly. Across the*

main bridge they had also thrown a barricade. I soon discovered that there was no way in which his position could be turned, and that my artillery was ineffective from the most commanding point where it could be placed. I determined, of course, to cross under the plunging fire of the enemy's escopets. My order to advance was admirably executed. At the moment Lieutenant-Colonel Bonham's battalion rushed forward, with a shout the enemy poured down a heavy fire, by which several of my men were severely wounded. Colonel Bonham's horse was shot near me, and a ball passed through the rim of my hat in very dangerous proximity to my face. Our men leaped the barricade followed by Captain Depuan's company of cavalry, and in less than ten minutes the enemy were in flight in every direction, and the American flag waved upon the high bluff which they had occupied. The Mexican force consisted, as they said afterwards, of five hundred men. Had they possessed courage and skill in the use of arms our loss must have been very great.

"You can hardly conceive the strength of the natural defenses of the road over which we passed. Rumors came to me almost every night that we would be attacked by large forces the next day, but they made nowhere anything like a brave and stern resistance. The official reports of the great battle of Mexico will probably reach you as soon as this letter, and I shall therefore not attempt to give the minute details. It was fierce and bloody beyond anything that has occurred in this war. The battle differed in many respects from that of Buena Vista. There General Taylor received the enemy in a strong position selected by himself.

"Our force on the 20th consisted of less than nine thousand men. The Mexican force within supporting distance and engaged, undoubtedly exceeded thirty thousand. We attacked him in position, on ground of his own selection, admirably fortified.

"You will distinguish, so far as numbers are concerned, between the battle of the morning and that of the afternoon, although spoken of in official reports as one engagement under the designation of the 'Battle of Mexico.' We took during the day thirty-five pieces of artillery, an immense amount of

ammunition, eight hundred mules and horses, more than two thousand prisoners; among them eight generals and any number of colonels. The Mexican loss in killed and wounded must have been immense. Our troops buried five hundred Mexicans upon the field of battle, commenced in the morning at Contreras, and the loss in the afternoon was much greater. Our loss too has been heavy. With this small army we could not afford to purchase many such victories at such a price. One of the regiments of my brigade (the 15th) lost in killed and wounded one-third of its entire force.

"In killed and wounded we number not less than one thousand, and among them I lament to say an unusual proportion of valuable officers. The New England regiment suffered severely, and behaved throughout in the most gallant manner.

"My horse at full speed on the evening of the 19th, when leading my brigade through a perfect shower of round shot and shells, fell under me on a ledge of rocks, by which I sustained a severe injury by the shock and bruises, but especially by a severe sprain in my left knee, which came under him. At first I was not conscious of any serious injury, but soon became exceedingly faint, when Dr. Ritchie, surgeon of the twelfth (a portion of my command), who was following the advancing column closely, overtook me and administered to me as well as he could under the circumstances. In a few minutes I was able to walk with difficulty, and pressed forward to Captain Magruder's battery, where I found the horse of poor, gallant Lieutenant Johnston, who had just received a mortal wound, of which he died that evening. I was permitted to take him (my own having been totally disabled), was helped into the saddle, and continued in it until eleven o'clock that night. It was exceedingly dark; the rain poured in torrents, and, being separated from my servants and baggage, I was without tent or covering.

"Add to this that during the afternoon of the 19th we had gained no advantage over the enemy, who remained firmly intrenched, with seven thousand men opposed to four thousand on our side, without the possibility of bringing our artillery to bear, and you will readily conceive that our situation was not

the most agreeable. The morning of the 20th, however, was as brilliant as the night of the 19th had been dark and gloomy. Soon after daylight the enemy's works were carried with the bayonet, and of their seven thousand men (regular troops, under the command of General Valencia) probably four thousand can not be found to-day. As we passed this field in pursuit of the fugitives, the scene was awful—the road and adjacent fields everywhere strewn with the mangled bodies of the dead and dying. We continued the pursuit until one o'clock, when our front came up with the enemy's strong works at Churubusco and San Antonio, when the great conflict of the afternoon commenced.

"At San Angel, dispositions having been made to attack in reverse the enemy's works on the San Augustine road, General Scott ordered me to march my brigade in concert with that of the intrepid General Shields across the open country between Santa Catarina and the above-named road in order to cut off the enemy's retreat. We gained the position sought, and, although the enemy's line was perfectly formed, and extended as far as the eye could reach in either direction, they were attacked vigorously and successfully. Arriving at a ditch, which it was impossible for my horse to leap, I dismounted and hurried forward, without thinking of my injury, at the head of my brigade for two or three hundred yards, when turning suddenly upon my knee, the cartilage of which had been seriously injured, I fainted and fell upon the bank in the direct range and within perfect reach of the enemy's fire. That I escaped seems to me now providential.

"The rout and overthrow of the whole Mexican force soon became complete, and we could easily have taken the city, but General Scott was met with a proposition for an armistice (after demanding the surrender of the city) with a view to open negotiations for peace. In my judgment, the army, full of ardor and confidence, was humanely and wisely restrained. Major-General Quitman, General Persifer F. Smith, and myself were appointed commissioners to meet the Mexican commissioners to settle the terms of the armistice. Although I had not taken off my spurs or slept an hour for two nights, in consequence of my engagements and the pain in my knee, I obeyed the sum-

mons, was helped into my saddle, and rode two and one-half miles to Tacubaya, where the commission assembled at the house of Mr. McIntosh, the British Consul-General.

"Our conference commenced late in the afternoon, and at four o'clock the next morning the articles were signed. That I was pretty thoroughly exhausted you will readily imagine. I slept an hour or two that morning at General Worth's quarters, and my sprained knee, which was by far my most serious injury, has been daily improving, and to-day I ride without much inconvenience. I have lost several dear friends, although our acquaintance had been of short duration. I visited the hospital yesterday, and saw officers and men with shot in all parts of their persons, although all who were not really dying seemed cheerful, and many who had lost limbs in high spirits; still I sickened at the sight.

"My general health has been good. I have been either in my saddle or on my feet every rod since I left Vera Cruz, which can be said by few in my command, for almost all were obliged at some portion of the march, in consequence of the change of climate, water, exposure, etc., to avail themselves of the ambulance. Colonel Watson with his marine corps accompanied me, and has been uniformly well. He is an excellent, agreeable gentlemen, an admirable officer, and I regret that, having been left with General Quitman's division at San Augustine, he had no opportunity to participate in the battle of the 19th and 20th.

"Now a word with regard to the great object of this war—'peace.' There is no doubt that Santa Anna is sincerely desirous of peace. Commissioners to treat have been appointed, and met Mr. Trist this afternoon at four o'clock. My belief is that peace will be the result, although no man can speak with confidence. My thoughts are almost constantly of home and the dear ones there. How I long to see them, even to hear from them, is impossible for me to express. In case of peace I shall avail myself of the earliest moment consistent with my duty and honor to return to the States, and to resume the quiet pursuits of private life. It is impossible for me to remit funds from here, but Mr. Minot will furnish all funds necessary for dearest."

On the resumption of hostilities General Pierce, although still disabled, was at his post ready for action, as deeply as he now detested the war into which he had entered as in the way of duty and honor. He was sent by the Commander-in-Chief to the support of Worth at the bloody and useless battle of Molino del Rey, but arrived on the scene only in time to interpose his force between the flying enemy and the exhausted troops of Worth.

This was his last engagement in the war, to his former trouble another being added which confined him until after the great conflict of Chapultepec. However, the night following this battle, against the protests of his friends, he made his way to Quitman's post at the Belen gate before the Citadel with a determination to engage in the contest for the city on the ensuing morning. But this sad gratification was denied him and all others. The enemy had flown, and the war for an "honorable peace" with Mexico was virtually ended.

Believing the war closed, at the earliest opportunity, as clearly shown by the two foregoing letters that he would do, in December on the opening of communications with Vera Cruz, General Pierce set out for home. His short, exciting, and eventful campaign was highly honorable to him, although his services were not especially brilliant. There can now be no doubt of his bravery, and of his alacrity to lead his men wherever emergency directed. The minute and accurate history of the campaign, and the concurrent testimony of officers, soldiers of all ranks,

have always pointed without a shadow, not only to his brave and soldierly qualities, but also to his generous sympathy and manly conduct toward those who served under his command, as well as other good and admirable traits displayed on this occasion, an episode in his life which he doubtless never had the least desire to repeat. The subsequent partisan stories of his fainting in the face of danger, and other such things, were the merest fabrications, for party effect. His first feat, and his best one in a military sense, perhaps, was his journey from Vera Cruz to Puebla. Some of his careless panegyrists have based the virtue of this feat upon his safely leading a large army through a long stretch of the enemy's country. But he had a small force, and in that fact the deed was at all worthy of notice, and only then under the supposition that the country was possessed by a brave and patriotic people.

He did not join in the disgusting feud among the officers of the American army in the valley of the City of Mexico, and which resulted in the shameful suspension of the commanding general, and the institution of a court for his trial in the face of the enemy before peace had been declared, or even before one had been conquered; and no one was more ready at that time to speak warmly and commendatory of his good conduct in the battles before the City of Mexico than was General Scott.

In his report of the battles of the 20th of August (Contreras and Churubusco), Scott calls Pierce "the gallant Brigadier-General Pierce," and refers kindly

and truthfully to his being overcome by exhaustion and suffering on the field that day.

Among newspaper and partisan gossips there was in the following year an effort made to involve Pierce in the army quarrel as against General Scott, but this failed. A Boston paper went so far as to announce that Scott was deprived of his command through Pierce's representations to President Polk. But how useless it is ever to look for and expect to find truth and fairness in these directions! The following letter sufficiently disposed of this matter:—

LOWELL, February 1, 1848.

“DEAR SIR,—The above paragraph was sent to me, under cover of a blank envelope, without any indication of the paper from which it was clipped. If the article referred to myself alone I should have allowed it to pass, as I have in other instances, without any notice from me. But having observed similar suggestions in other papers, it is perhaps due to the Administration and to the distinguished General from whom I am now widely separated, but to whom I hope ever to be united by sentiments of respect and personal friendship, that I furnish a correction. The paragraph has not the slightest foundation in truth. I was never consulted by the National Executive in relation to the matter to which it refers. From the day my command joined the main army at Puebla to the hour I left the City of Mexico there was never a moment when the kindest relations did not exist between the General-in-Chief and myself; and I trust I am not likely soon to forget or lightly appreciate the confidence and friendship which, under all circumstances, he was pleased to extend to me. I need not say that nothing can be more unpleasant than for officers who have just returned from the

seat of war to find imposed upon them the necessity of contradicting statements so untruthful and indelicate.

“Your friend and servant, FRANK. PIERCE.

“Colonel C. G. GREENE, Editor of the ‘Boston Post.’”

The friendly relations between Scott and Pierce were never very materially changed, although the political contest of 1852, in which they were the leaders, did not especially strengthen them. General Scott did not bear his defeat with quite that degree of equanimity which his friends attributed to him, perhaps, although he afterwards said that he could not too often thank God for his political defeats; and Pierce did share in a feeling entertained by many that the General of the army was greatly characterized by “fuss and feathers.”

When Taylor became President, Scott was again at the head of the army, his trial having amounted to nothing, and on account of the bad terms between him and the President, an unworthy and contemptible thing in both of them, the army head-quarters were changed from Washington to New York. On the death of Taylor, being on pleasant terms with President Fillmore, Scott returned to the Capital; and when Pierce came to the Presidential Chair, at Scott’s own request, army head-quarters were again removed to New York. But the desire of Scott to be out of Washington during this Administration was largely and more reasonably based upon political grounds, and was not from especially unfriendly feelings toward President Pierce.

Pierce’s short campaign in Mexico had completely

relieved him of his early thirst for military adventure; and Scott, although longer in reaching a similar state, had at last, with Cowper, come to sigh—

“For a lodge in some vast wilderness,  
Some boundless contiguity of shade,  
Where rumor . . .  
Of unsuccessful or successful war,  
Might never reach me more.”

Although General Pierce had something to regret, perhaps, in his short military experience, he had nothing to be ashamed of. He had made a skillful march from the Gulf to join the main army; he did his duty fearlessly and wisely in the valley of the City of Mexico; his military skill and daring won him the good opinions of the regular officers; an unseemly accident merely arrested his brilliant prospects at the outset; his manly efforts to overcome its effects upon his career secured him general respect; and his constant care and sympathy for his men, and universal affability and good behavior towards his fellow-soldiers of every rank in the army, earned for him general admiration. The battles of Contreras and Churubusco, in which he was engaged, glutted his taste for blood and war, if he ever really possessed any; he warmly espoused the armistice, and sanctioned the course of Scott, believing and hoping to the last that permanent peace would come out of it; and from that time he longed for peace and home until he reached them. These were congenial to his nature and tastes, although he exhibited no deficiency in the better qualities of a true soldier, and was

always gratified to feel that his party friends and the fairly-disposed of all his countrymen were inclined to place so high, if not flattering, a value upon his military services and ability.

General Pillow's report of the part taken by his Division in the first battles of Mexico said:—

“ General Pierce, though still suffering severely from his injury of the preceding day, had nevertheless been on duty, and in command of his brigade during the day, and until a few moments before, when he had fainted from pain and exhaustion, and been carried from the field. . . .

“ I can not withhold the expression of my sense of the deep obligations I am under for the success and honor due to my command, to my two brigadier-generals (Shields and Pierce), whose promptitude, skill, and daring were equal to every emergency, and who, in the absence of discipline in their commands, met and overcame every obstacle, and led on their commands to honor and distinction.” . . .

## CHAPTER V.

GENERAL PIERCE AT HOME—SLAVERY VIEWS—CANDIDATE FOR THE PRESIDENCY—CONVENTIONS OF 1852—DEMOCRATIC PLATFORM—FRANKLIN PIERCE AND GENERAL SCOTT.

ALTHOUGH it was maintained at the time that Pierce was one of Mr. Polk's bad army appointments, this sentiment was held only among politicians, and not shared by the army to any great extent. After his departure from Mexico, and after the close of the war, regular and volunteer officers of every shade of politics voluntarily spoke kindly and favorably of him. His reception on his return home was of the warmest kind, showing the approval of his conduct. On the 27th of January, 1848, he was publicly received at Concord. During the session of the summer of 1848 the Legislature voted him a fine sword in honor of his reputable services in Mexico. On departing for the war his friends had given him a splendid sword. Both of these are now the property of his nephew, Frank Hawthorne Pierce.

In the spring of this year (1848) General Pierce was offered the nomination of his party for governor; but this he declined, having again resumed the successful pursuit of his profession. He was also quite

active and influential in the political affairs of his State at this period.

The constitution of New Hampshire had always discriminated in favor of the Protestant Church, and Catholics were debarred from holding offices under it. As far as evidence can be traced reliably on this point Pierce had from the very outset of his political career opposed this religious test and some other features of the original constitution of 1792. But the friends of revision had failed in their efforts, even to secure the call of a convention until 1852. On the 6th of November in that year a constitutional convention consisting of nearly three hundred members met at Concord. With few opposing votes Pierce was chosen its presiding officer. Early in the session of this body, perhaps the most able that had ever met in the State, the religious test question was brought forward, when Pierce, Levi Woodbury, and others of their political faith especially, advocated a total repeal of all such features of the constitution. This they succeeded in bringing about; but the new constitution framed by this convention was defeated before the people at the next election. Immediately afterwards (in April) the convention met to receive and act upon the verdict of the people. The convention again determined to bring the question to the polls at the next election, hoping for a more favorable result. But in this the advocates of the repeal of the religious tests were disappointed, the people of New Hampshire not yet being ready for this departure from the very straight provisions of

their constitution. Pierce joined in the debates on the test question before the convention of 1850, and in the course of his remarks is thus reported in the Convention Record :—

“ Mr. Pierce, of Concord, said that he could concur heartily in all that the gentleman from Portsmouth had uttered, except in his last remark. It was quite obvious that, so far from having taxed the patience of the committee, his speeches upon both the great subjects embraced in the resolutions under consideration had been listened to with unqualified gratification. Not because he threw the weight of his high character and the power of his arguments into the scale on the side of right in a case where there was hesitancy, where the judgment of members was not definitely formed, where there was a shade of doubt as to the result; but because it was desirable that the grounds on which we proceed in matters of such grave import should be stated, as they had been, with singular force of reasoning and beauty of illustration. It was also a service well rendered, not less in vindication of the past than the present. The motives of the fathers of the present constitution and of the people in 1792 had been placed in their true light. So much was due to them. It was also due to this convention and the people whom they represent, and due to the reputation of the State abroad, that it will be well understood that both of the provisions—the religious test and the property qualification—had been a dead letter, at least as long as the chairman (Mr. Sawyer) had participated to any extent in the councils of the State. They had been practically inoperative from Mr. Pierce’s earliest recollection. The chairman would remember that many years ago, at a time of high party excitement, it was suggested that a member of the House of Representatives occupied his seat without the requisite property qualifications. But two objections at once

occurred to any action upon the subject; the first was, that investigation and action, instead of rejecting one member, might probably vacate twenty seats; the second was, that no member could probably be found to move in the matter so utterly repugnant to public sentiment.

"The religious test in the Constitution had undeniably been a stigma upon the State, at home and abroad. It had been repeatedly named to him, and once at least in a foreign land, as unworthy of the intelligent and liberal spirit of our countrymen. Although he at times felt keenly the reproach, he had uniformly referred, as he had no doubt other gentlemen had done, to other parts of the Constitution as illustrating the true and free spirit of our fathers, and to these as, at least for many years, a blank. The great question of religious toleration was practically settled, and settled in a manner never to be reversed while we retain our present form of government, more than thirty years ago. The provisions now claiming the attention of the committee could hardly be said to involve an open question. They had been the subject of discussion in every lyceum, every academy, debating club, every town; and there was perhaps no subject upon which public opinion and public feeling was so uniform and decisive. The substance—if substance they ever had—having long since passed away, he rejoiced that the proper occasion had at length arrived to dispense with the form."

General Pierce did not abandon the cause he had advocated in the convention, and while the question was before the people he exerted himself in an unusual manner to weaken the opposition to the new constitution. Even while the election was in progress he made a speech in Concord, in which he said:—

"Can it be possible that the people of New Hampshire will vote to retain a feature in its fundamental law,

ingrafted there under peculiar circumstances, repugnant to the plainest ideas of justice and equality, repugnant to the whole scope and tenor of the constitution, upon which it stands as a fungus—dead, to be sure, but still there, a blot and deformity, obnoxious in the last degree to the spirit of the age in which we live? How can we say that our land is the asylum of the oppressed of other countries, when we fail to extend over them the shield of equal rights, and say to them, There is the panoply under which, so far as the dearest and most sacred of all rights is concerned, you may shelter yourselves? I love and revere the faith of my Protestant fathers; but do not Martin Lawler and his countrymen; now near me, and who have this day exercised the rights of freemen, revere and cling to the faith of their fathers? Are you to tell them that they can vote for you, but are to be excluded from the privilege of being voted for? that while you tax them to maintain your government, they shall not be eligible to positions that control taxation? Shame upon such a provision while we boast of equal rights! I hope this provision of our Constitution receives the deliberate reprobation of every man now in this hall. But if I am mistaken in this, it is due to the honor of the State, it is due to the plainest dictates of justice, that whoever may favor this test should state the reasons upon which he relies. For one, I never think of it without a deep sense of regret, and, I may add, of humiliation for my native State."

In the face of all these facts, with a view of drawing off his Catholic supporters, it was actually attempted in 1852 to make it appear that Franklin Pierce had opposed the repeal of the religious or Church tests of his State.

In January, 1852, the Democratic Convention of New Hampshire nominated General Pierce as the

choice of that State for the Presidency. This act drew the following letter from him, still in keeping with his former course:—

“CONCORD, January 12, 1852.

“MY DEAR SIR,—I take the liberty to address you, because no channel more appropriate occurs to me through which to express my thanks to the convention over which you presided on the 8th instant, and to the masses there represented.

“I am far from being insensible to the steady and generous confidence so often manifested towards me by the people of this State; and although the object indicated in the resolution, having particular reference to myself, be not one of desire on my part, the expression is not, on that account, less gratifying.

“Doubtless the spontaneous and just appreciation of an intelligent people is the best earthly reward for earnest and cheerful services rendered to one’s State and country, and while it is a matter of unfeigned regret that my life has been so barren of usefulness, I shall ever hold this and similar tributes among my most cherished recollections.

“To these, my sincere and grateful acknowledgments, I desire to add, that the same motives which induced me several years ago to retire from public life, and which since that time have controlled my judgment in this respect, now impel me to say, that the use of my name, in any event, before the Democratic National Convention, at Baltimore, to which you are a delegate, would be utterly repugnant to my tastes and wishes.

“I am, with the highest respect and esteem, your friend,

FRANK. PIERCE.”

“Hon. CHAS. G. AETHERTON, Nashville, N. H.”

In a letter to Colonel Lally, of New Hampshire, but a few weeks before the meeting of the Demo-

cratic National Convention, General Pierce wrote, still anxious about the movement of his friends :—

“TREMONT HOUSE, BOSTON, May 27, 1852.

“I intended to speak to you more fully upon the subject of the Compromise Measures than I had an opportunity to do. The importance of the action of the convention upon this question can not be overestimated. I believe there will be no disposition on the part of the South to press resolutions unnecessarily offensive to the sentiments of the North. But can we say as much on our side? Will the North come cheerfully up to the mark of Constitutional right? If not, a breach in our party is inevitable. The matter should be met at the threshold, because it rises above party, and looks at the very existence of the confederacy.

“The sentiment of no one State is to be regarded upon this subject; but having fought the battle in New Hampshire upon the Fugitive Slave Law, and upon what we believed to be the ground of Constitutional right, we should of course desire the approval of the Democracy of the country. What I wish to say to you is this: If the Compromise Measures are not to be substantially and firmly maintained, the plain rights secured by the Constitution will be trampled in the dust. What difference can it make to you or me whether the outrage shall seem to fall on South Carolina, or Maine, or New Hampshire? Are not the rights of each equally dear to us all? I will never yield to a craven spirit, that from considerations of policy would endanger the Union. Entertaining these views, the action of the convention must, in my judgment, be vital. If we of the North, who have stood by the Constitutional rights of the South are to be abandoned to any time-serving policy, the hopes of Democracy and of the Union must sink together. As I told you, my name will not be before the convention; but I can not help feeling

that what there is to be done will be important beyond men and parties—transcendently important to the hopes of Democratic progress and civil liberty.

“Your friend,                           FRANK. PIERCE.”

See now, for a moment, the position of Franklin Pierce at the date of the meeting of the Baltimore Democratic Convention in 1852. He had served in the State Legislature and for several years in both Houses of Congress; filled several brief public trusts in his State; had not attracted special notice out of his State; had “served” six months in the Mexican War, honorably but unfortunately, at least not in a way to attract or deserve national distinction; was a successful lawyer, without the experience or development of a statesman; was a good scholar, with fine manners and excellent heart traits, and a winning speaker; had a political inner side not always visible in his general amiability, but an honest reputation and an undoubted distaste and disgust for social and political charlatanry and rascality; without much executive ability, and with a decided distaste for public ceremony, fuss, and show; had a quick and comprehensive mind, at once grasping any business before him; strong in his convictions of right and wrong, strong in his adherence to principle and duty in public trusts, and strong in his sentiments of conciliation and toleration; but a man of few deeds, and almost wholly unknown over the country; not a great man, not even a distinguished one.

As in almost all other things, his views were not well known on the great slavery issue of the day.

But an emergency arose for an unknown man, and the slave-leaders were willing to stake their chances on him. His placid temper and friendly disposition towards the South while in Congress was remembered. His vote, it is true, had sustained the abstract right of petition, and, therefore, he had stood with his own section; but he had been a member of the committee which brought in the resolution for interdicting any kind of action on slavery petitions, and had sustained the resolution by his vote. He had favored the annexation of Texas (or the re-annexation, as his first law preceptor and old friend, Levi Woodbury, would always say), although he had not done so without a struggle with himself, and that on account of slavery alone. He had favored the Compromise Measures of 1850, and now with more directness and decision wished to have them supported and maintained. But this was because they were a part of the national laws, and were binding everywhere; and because conciliation and concession seemed to be the demand of the hour and the road to peace. Slavery in itself he did not then favor, nor did he ever afterwards do so. There was nothing in the idea of slavery of any kind that could possibly be congenial to the feelings of Franklin Pierce. It was a calamity to be borne by the whole country until time and compromise, not war, should develop some way out of it. Had his friends in the South entertained just such sentiments the problem would have been easy. But they did not. Slavery was not a calamity nor a wrong, and with them no

legislation, no anything, on the subject, was tolerable, except so far as it looked to the perpetuity, if not extension and eternity, of the institution. Here was the great element of the conflict, and it was irreconcilable. Yet, to a degree, Franklin Pierce was a pro-slavery politician, as were many of the Democratic party leaders, a fact which is now no secret, nor is it to be evaded as a truth of history. This was a necessity of the party, its policy, as slavery could really find no apology in Democratic principles. The real preference for negro slavery and its perpetuation among intelligent members of the Democratic party in the North was not shared by Franklin Pierce, not in 1852, and, perhaps, never afterwards, however easy he might have been on the question.

In a speech at Concord, June 5, 1845, Mr. Pierce uttered the following sentiments on the subject daily becoming more important in the life of the Nation:—

“He had only to say now, what he had always said, that he regarded slavery as one of the greatest moral and social evils, a curse upon the whole country, and this he believed to be the sentiment of all men, of all parties, at the North. He was free to admit that he had himself approached this subject of annexation (of Texas) with all his prejudices and prepossessions against it, and on one ground alone—its slavery feature. His convictions on this subject were, as had been stated, strong; not the result of any new light, but deeply fixed and abiding. The only difficulty in his mind ever had been that of a recognition, by any new act of our Government, of the institution of domestic slavery; and he had found it extremely difficult to bring his mind to a condition impartially to weigh the argument for and against the measure.”

In November, 1850, a meeting was called at Manchester, New Hampshire, designed to pledge the Democracy of the State to the Union and Constitution.

In a speech made here General Pierce gave expression to these views:—

“ Let them be met by argument; let the discussion come, and he that is defeated must go to the wall and yield the question. That is the way to manage such matters in a free country. There must be no breaking up of the Government in case of defeat. If we are precipitated into a war by fanaticism we can not conquer. Both sections of the country may be immolated. Neither could come out of the contest short of ruin. . . .

“ The men then in the hall who had abandoned themselves to the infatuation of disunion sentiments would probably live to regret and repent their present course. . . .

“ When the Compromise was first proposed in Congress, he had no doubt that the Union would go down unless the measures recommended were carried. The defeat of the first attempt overwhelmed him with apprehension, understanding that the Compromise was intended to give to the South a sense of greater security for one of their rights than they felt they had for some time possessed. Who did not deplore slavery? But what sound-thinking mind regarded that as the only evil which could rest upon the land? The men who would dissolve the Union did not hate or deplore slavery more than he did; but even with it, we had lived in peace, prosperity, and security, from the foundation of our institutions to the present time. If the Constitution provided for the return of fugitives slaves, it should be done. That was what he wanted to do; that was what our ‘fathers’ agreed we should do; and that was what the friends of the Union established by them wanted to do.”

The Democratic Convention for nominating candidates for the Presidency and Vice-Presidency met at noon on Tuesday, June 1, 1852, in the great hall of the Maryland Institute, Baltimore. Benj. F. Hallett, chairman of the party National Executive Committee, made a short address, and called the meeting to order. On the motion of Jesse D. Bright, of Indiana, Romulus M. Saunders, of North Carolina, was chosen temporary chairman. Mr. Saunders had figured in the convention of 1844, securing the nomination of Mr. Polk. Saunders made a short speech, when the business of one of the most stormy conventions ever held by the Democratic party was begun. Committees on Permanent Organization and Credentials were appointed, consisting of one member from each State. After a short interval the Committee on Organization made a report, with John W. Davis, of Indiana, as president of the convention. The two-thirds rule was adopted with little debate, by a vote of two hundred and eighty-three to thirteen. At seven o'clock the convention adjourned until Wednesday, the following day.

At ten o'clock, June 2d, the convention again assembled. The morning session and a great part of the day were occupied in wrangling over the admission of delegates and measures of the platform, several resolutions being introduced as to the Fugitive Slave Law and the Compromise Measures of 1850.

At five o'clock the convention again met, and the evening was taken up with a spirited debate on a resolution offered by Mr. Nabors, of Mississippi, as

to the formation of a platform before proceeding to the nominations. This is the resolution:—

*"Resolved,* That this convention will not go into a nomination for President or Vice-President until the platform of the party is laid down."

This proposition was laid on the table by a small majority, and soon afterwards, in great confusion, the convention adjourned to wrangle over the steps already taken, cast up the prospects of the hour, count the chances of the favorites in the race, and prepare for the still more uncertain and boisterous work of the following day.

At half-past nine on Thursday the convention was again called to order. After some wrangling over the report of the Committee on Credentials, Cave Johnson moved that the balloting for candidates should begin. All the States had delegates in the convention but South Carolina. James M. Commander claimed to have been duly authorized to represent that State, but the convention decided to leave out South Carolina. Eight ballots were finally taken, with General Cass in the lead, his highest vote, however, not exceeding one hundred and eighteen, the next highest vote being ninety-five for James Buchanan. Next in order came S. A. Douglas, William L. Marcy, Joseph Lane, Sam Houston, of Texas, and a few votes were cast for Hunter, of Virginia, Henry Dodge, of Wisconsin, William R. King, Daniel S. Dickinson, William O. Butler, and John B. Weller, of California. After a short recess the

seventeenth and last ballot for the day was taken, standing:—

Cass,	.	.	.	.	.	.	.	.	.	.	.	.	99
Buchanan,	.	.	.	.	.	.	.	.	.	.	.	.	87
Douglas,	.	.	.	.	.	.	.	.	.	.	.	.	50
Marcy,	.	.	.	.	.	.	.	.	.	.	.	.	26
Houston,	.	.	.	.	.	.	.	.	.	.	.	.	11
Butler,	.	.	.	.	.	.	.	.	.	.	.	.	1
Lane,	.	.	.	.	.	.	.	.	.	.	.	.	13
Dickinson,	.	.	.	.	.	.	.	.	.	.	.	.	1

At a quarter past nine on Friday morning the convention again met, and took nine more ballots, with little change in the results, Buchanan, however, leading by a few votes, the highest number cast for him being one hundred and three; one hundred and ninety-two being two-thirds of the two hundred and eighty-eight delegates, without South Carolina. Seven more ballots were taken in the evening session, with no material change, Cass now leading, and Buchanan and Douglas standing next in order.

On Saturday morning, at twenty minutes past nine, the convention again met. Thirty-three ballots had now been taken. On the thirty-fifth ballot Virginia cast her fifteen votes for Franklin Pierce. This act created great excitement, as this was the first appearance of this candidate. On the next ballot thirty votes were given for Pierce. In the next nine ballots he had twenty-nine votes each time. In the forty-sixth ballot he had forty-four votes, in the next forty-nine, and the next fifty-five, and in the forty-ninth and last ballot he received two hundred and eighty-two votes, the other six being cast for

Cass, Douglas, and Butler. The convention then adjourned.

At the evening session a Northern delegate said that section would now take any live man the South would mention as Vice-President. The first ballot, however, showed quite an array of names, William R. King receiving one hundred and twenty-six votes, and standing at the head of the list. Other candidates were Gideon J. Pillow, David R. Atchison, Thomas J. Rusk, Jefferson Davis, William O. Butler, Robert Strange, S. W. Downs, John B. Weller, and Howell Cobb.

On the next ballot Mr. King received two hundred and seventy-seven votes, far above the number required for the nomination, Illinois casting her eleven votes for Jefferson Davis.

Both nominations were made unanimous. The platform was then read and adopted, the next nominating convention appointed to meet in Cincinnati, and the convention adjourned *sine die*.

This nomination greatly surprised the country, many of the Democrats thinking at the outset that the Whigs would have an easy walk to victory. William R. King was well-known, but who was Franklin Pierce? At the time of the nomination General Pierce was at the Tremont House, in Boston, but soon after the reception of the unexpected news quietly withdrew to the "Brattle House," Cambridge, his whereabouts being known only to a few "friends." Pierce was regarded as the find of the South, and so Virginia and North Carolina claimed.

The following is the “platform” put forth by this convention:—

“*Resolved*, That the American Democracy place their trust in the intelligence, the patriotism, and the discriminating justice of the American people.

“*Resolved*, That we regard this as a distinctive feature of our political creed, which we are proud to maintain before the world, as a great moral element in a form of government springing from and upheld by the popular will; and we contrast it with the creed and practice of Federalism, under whatever name or form, which seeks to palsy the will of the constituent, and which conceives no imposture too monstrous for the popular credulity.

“*Resolved*, Therefore, that, entertaining these views, the Democratic party of this Union, through their delegates assembled in a General Convention of the States, coming together in a spirit of concord, of devotion to the doctrines and faith of a free representative government, and appealing to their fellow-citizens for the rectitude of their intentions, renew and reassert, before the American people, the declaration of principles avowed by them when, on former occasions, in general convention, they presented their candidates for the popular suffrages.

“1. That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power made therein ought to be strictly construed by all the departments and agents of the Government; and that it is inexpedient and dangerous to exercise doubtful Constitutional powers.

“2. That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements.

“3. That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume debts of the several States, contracted for local

internal improvements, or other State purposes, nor would such assumption be just or expedient.

"4. That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of any other, or to cherish the interests of one portion to the injury of another portion of our common country; that every citizen and every section of the country has a right to demand and insist upon an equality of rights and privileges, and to complete and ample protection of persons and property from domestic violence or foreign aggression.

"5. That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

"6. That Congress has no power to charter a National Bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberty of the people, and calculated to place the interests of the country within the control of a concentrated money power, and above the laws and will of the people; and that the results of Democratic legislation, in this and all other financial measures upon which issues have been made between the two political parties of the country, have demonstrated to candid and practical men of all parties, their soundness, safety, and utility, in all business pursuits.

"7. That the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people.

"8. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty and the

asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith ; and every attempt to abridge the privilege of becoming citizens, and the owners of soil among us, ought to be resisted with the same spirit which swept the Alien and Sedition Laws from our statute-book.

“ 9. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution ; that all efforts of the Abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences ; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

“ *Resolved*, That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress ; and therefore the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the Compromise Measures, settled by the last Congress—the act for reclaiming fugitives from service or labor included—which act being designed to carry out an express provision of the Constitution, can not with fidelity thereto, be repealed, or so changed as to destroy or impair its efficiency.

“ *Resolved*, That the Democratic party will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempts may be made.

“ *Resolved*, That the proceeds of the public lands ought to be sacredly applied to the national objects specified in

the Constitution ; and that we are opposed to any law for the distribution of such proceeds among the States, as alike inexpedient in policy and repugnant to the Constitution.

*“Resolved,* That we are decidedly opposed to taking from the President the qualified veto power, by which he is enabled, under restrictions and responsibilities amply sufficient to guard the public interest, to suspend the passage of a bill whose merits can not secure the approval of two-thirds of the Senate and House of Representatives, until the judgment of the people can be obtained thereon, and which has saved the American people from the corrupt and tyrannical domination of the Bank of the United States, and from a corrupting system of general internal improvements.

*“Resolved,* That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Resolutions of 1798 and 1799, and in the report of Mr. Madison to the Virginia Legislature in 1799 ; that it adopts those principles as constructing one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import.

*“Resolved,* That the war with Mexico, upon all the principles of patriotism and the laws of nations, was a just and necessary war on our part, in which no American citizen should have shown himself opposed to his country, and neither morally nor physically, by word or deed, given aid and comfort to the enemy.

*“Resolved,* That we rejoice at the restoration of friendly relations with our sister Republic of Mexico, and earnestly desire for her all the blessings and prosperity, which we enjoy under republican institutions, and we congratulate the American people upon the results of that war, which have so manifestly justified the policy and conduct of the Democratic party, and insured to the United States indemnity for the past and security for the future.

*“Resolved,* That in view of the condition of the popular institutions in the Old World, a high and sacred duty is devolved with increased responsibility upon the Democracy of this country, as the party of the people, to uphold and maintain the rights of every State, and thereby the union of the States, and to sustain and advance among them Constitutional liberty by continuing to resist all monopolies and exclusive legislation for the benefit of the few, at the expense of the many, and by a vigilant and constant adherence to those principles and compromises of the Constitution, which are broad enough and strong enough to uphold the Union as it should be, in the full expansion of the energies and capacity of this great and progressive people.”

The following is General Pierce's letter of acceptance :—

“CONCORD, N. H., June 17, 1852.

“GENTLEMEN,—I have the honor to acknowledge your personal kindness in presenting to me this day your letter, officially informing me of my nomination by the Democratic National Convention, as a candidate for the Presidency of the United States. The surprise with which I received the intelligence of the nomination was not unmixed with painful solicitude, and yet it is proper for me to say that the manner in which it was conferred was peculiarly gratifying.

“The delegation from New Hampshire, with all the glow of State pride, and all the ardor of personal regard, would not have submitted my name to the convention, nor would they have cast a vote for me under circumstances other than those which occurred.

“I shall always cherish with pride and gratitude the recollection of the fact that the voice which first pronounced for me, and pronounced alone, came from the mother of States—a pride and gratitude rising far above

any consequences that can betide me personally. May I not regard it as a fact pointing to the overthrow of sectional jealousies, and looking to the perennial life and vigor of a Union, cemented by the blood of those who have passed to their reward—a Union wonderful in its formation, boundless in its hopes, amazing in its destiny?

“I accept the nomination, relying upon an abiding devotion to the interests, the honor, and the glory of our whole country, but, beyond and above all, upon a Power superior to all human might, a Power which, from the first gun of the Revolution, in every crisis through which we have passed, in every hour of our acknowledged peril, when the dark clouds have shut down around us, has interposed as if to baffle human wisdom, outmarch human forecast, and bring out of darkness the rainbow of promise. Weak myself, faith and hope repose there in security.

“I accept the nomination upon the platform adopted by the convention, not because this is expected of me as a candidate, but because the principles it embraces command the approbation of my judgment, and with them I believe I can safely say there has been no word nor act of my life in conflict.

“I have only to tender my grateful acknowledgments to you, gentlemen, to the convention of which you were members, and to the people of our common country.

“I am, with the highest respect, your most obedient servant,

FRANK. PIERCE.

“To J. S. BARBOUR, J. THOMPSON, ALPHEUS FELCH, PIERRE SOULE.” .

Whatever he really was, or had been before, Franklin Pierce was now a “great man.” It was the work of a day. And no man was more surprised over the result than he. He had said to the Democrats of his State that he could not be a candidate, and in his last letters before the meeting of the

nominating convention he had declared that his name could not go before that body. But the New Hampshire delegates had a different notion about it, and were determined to watch their chances to bring him out. Nor is it to be supposed that he did not himself dream of some unexpected emergency that should turn the attention of the convention to him, however much he preferred the quiet and peaceful life he was living.

But the opposition newspapers and orators did not, to the day of the election, cease to ask: "Who is Franklin Pierce?" Of course, the Democracy of New Hampshire "went wild" over the nomination. The Legislature was in session at the time of the event, and its Democratic members at once called a meeting to rejoice and splutter on account of their great good fortune. The magnanimity of the South was eulogized, its patriotism held up as an example to be imitated, the State pledged to Pierce by a large majority, and his election fixed beyond a doubt.

A ratification meeting was held in Faneuil Hall, and an attempt was made at once to get up some enthusiasm in ratification meetings throughout the country. But the campaign dragged to the end, and the great mass of the people, of whatever faith, cared little for it.

In speaking of the preference of the convention for General Pierce, and its failure to nominate one of the candidates whose public service far exceeded his, Hawthorne, the gentle but wise and true friend, utters these manly and admirable sentiments, such

as if adopted would go far toward revolutionizing the present erroneous views and practices of party and public men:—

“It would be a pretension, which we do not mean to put forward, to assert that, whether considering the length and amount of his public services, or his prominence before the country, General Pierce stood on equal ground with several of the distinguished men, whose claims, to use the customary phrase, had been rejected in favor of his own. But no man, be his public services or sacrifices what they might, ever did or ever could possess, in the slightest degree, what we may term a legitimate claim to be elevated to the rulership of a free people. The Nation would degrade itself, and violate every principle upon which its institutions are founded, by offering its majestic obedience to one of its citizens as a reward for whatever splendor of achievement. The conqueror may assert a claim, such as it is, to the sovereignty of the people whom he subjugates; but with us Americans, when a statesman comes to the chief direction of affairs, it is at the summons of the Nation, addressed to the servant whom it deems best fitted to spend his wisdom, his strength, and his life, in its behalf. On this principle, which is obviously the correct one, a candidate’s previous services are entitled to consideration only as they indicate the qualities which may enable him to render higher services in the position which his countrymen choose that he shall occupy. What he has done is of no importance, except as proving what he can do.”

There was nothing, however, in General Pierce’s natural endowments, his business and executive powers, his general wisdom and patriotism which especially qualified him for the Presidency above the more distinguished men whose names were

before the Convention, and from whom it was the expectation of the party, the selection would be made. His nomination was purely a chance, one of those strange freaks arising out of the inharmonious stubbornness that has often marked the proceedings of such bodies, and which particularly repeated itself in the Chicago Republican convention of 1880, in the nomination of an unthought-of man.

On the 16th of June, 1852, the last Whig Convention met in the hall of the Maryland Institute in Baltimore. The first important business was the construction and adoption of a "platform." Finally, on the fifty-third ballot, General Winfield Scott received one hundred and fifty-nine of the two hundred and ninety-six votes, and under the Whig rule, that being a majority, he was declared unanimously to be the nominee of the Convention. William A. Graham, Mr. Fillmore's Secretary of the Navy, was then, on the second ballot, nominated for the Vice-Presidency. But the nomination of General Scott was not satisfactory to the Whig party. Nor was the "platform" satisfactory. It pledged too much to the South, and by this means many of the even moderate Free-soil Whigs lost their interest in the contest. On this great point the "platform" left nothing to contend for, and clearly exhibited to the Free-soil, progressive wing in the North that the old organization was really at an end. Other issues were not sufficient, and on the slavery question it was not able, with its old leaders and former policy, to maintain a separate course from the Democracy.

The time was almost at hand when even an intermediate position between that of the slavery-supporting Democracy and the extreme Abolitionists was not satisfactory to the North. Still the Whig party substantially held together until the evening of the second day of November, and some of its old-school members, who had fought many a battle under its banner, hoped to see it again rise in its former strength and grandeur; a vain hope, indeed. It had run its course; and from its ruins a brave, new party, with all of its distinctive features except that of slavery, soon sprang into life.

## CHAPTER VI.

THE CAMPAIGN OF 1852—PRESIDENTIAL ELECTION—THE CANDIDATES—THE MEN—LAST OF THE WHIGS—THE BALLOT-BOX AND THE ELECTORAL COLLEGE.

THE differences between the Whig and Democrat “platforms” were not very great substantially, and on the Compromise and slavery questions they were almost identical. Still it must be apparent to any careful reader that the great, the paramount issue of this campaign was that of human slavery. Many Northern Whigs were not satisfied with the platform, all of the Free-soil Whigs were disappointed in the slavery “plank;” and many Northern Conservative Whigs were dissatisfied with General Scott, as they believed that the extreme wing of the party had secured his nomination. The general drift of the Democratic leaders towards the toleration and support of the demands of slavery drove the few Free-soil Democrats into the ranks of the Free Democracy, which in this election was virtually the Abolition party. This sectional organization came into great importance at this time; and even now nothing like its real strength was exhibited. In the South the belief that the Free-soil influence had secured the nomination of General Scott carried many Whigs into the Democratic camp. And the

final hope that under Pierce the interests of the South would at least be temporarily safe, to some extent, pacified the Southern sectional party, the State-Rights and secession. But the question of slavery was now inseparable in some form from political action in either section. The South demanded it. The Northern Free-soilers and Abolitionists demanded it. The Democratic party in the North had no desire to thwart the purposes of the South as to the cherished institution; and the Whigs could not do so, if they wished. They could not even hint at gradual emancipation. The two great parties in the North were now slaves of slave policy, from which there was no escape but in death; and this alternative overtook the Whigs without their choice. But from whatever source it came, from the agitators of the North or the aggressive and unfriendly demands and spirit of the South, the evident and determined grasping after more territory and more slavery privileges, the fact still remains that the deep, real issue at this time was human slavery. It was the real source of political and sectional strife. It was the only source of danger to the Union. It had originally been the deep-seated source of anxiety as to the perpetuity of the Union, together with a proper balance of State and national power. In 1820 it was the real source of dissension and danger. In 1832 it was at the foundation of nullification. In 1850 it was on the point of dividing the country. In 1856 it became the open subject of conflict; and at the next quadrennial Presidential campaign it was the rock on

which the Democratic party itself divided; and finally the only real and then absolutely unreconcilable cause of the war which resulted in its destruction. No matter what number of apologies, buts, and ifs are thrown around the history of slavery in the United States, it still remains an indubitable fact, which it would be wholly unnecessary, if not the height of folly, in any man at this day to attempt to shield or cover, or deny, that without human slavery these great dissensions of half a century, and finally the War of the Rebellion, would never have occurred.

The following letter, read at the close of the great Cotton Exposition at Atlanta, Georgia, in December, 1881, while pointing with no feeling of uncertainty to the future, gives the true verdict of this period as to the troubles of the past:—

“ WASHINGTON, D. C., December 23, 1881.

“ HON. H. I. KIMBALL, Atlanta:—

“ DEAR SIR,—It is a source of sincere regret with me that I am not able to visit your Cotton Exposition in response to the very cordial invitation with which I have been honored. The pressure of public and private engagements has rendered it impossible.

“ I congratulate the people of Georgia and of the whole country upon the great success that has attended the enterprise. It is evidence of a reconstruction of material prosperity throughout the South that is gratifying to every patriotic man. Good government is essential to prosperity among the people; and, in truth, prosperity among the people is the safest guarantee of good government. Discontent will always breed disorder. Contentment upholds the reign of law.

“ For forty years preceding the late war the Northern

and Southern people were continually growing apart, with different aims and different interests, cherishing different hopes and looking to different destinies. In the last few years they have been coming together, and it is safe to say that at no time since the slavery agitation of 1820 have they been as closely united and as cordially related as to-day. We have a stronger, broader, deeper patriotism and a loftier and worthier pride in the citizenship of the great Republic. We have one country, and it is our country.

“‘From Maine to Georgia’ once typified the extremes of the Union, as it did the extremes of antagonism. Maine and Georgia can now interchange visits in a single week; and—let there be no strife between us, ‘for we be brethren.’

“Sincerely yours,                    JAMES G. BLAINE.”

The campaign of 1852 had some features peculiar to itself; but in the main it was “tame” and uneventful. There was little in either of the leading candidates to awaken enthusiasm.

In speaking of the lukewarmness of the Presidential contest and the “Women’s Rights” movement, “The New York Herald” said that there was really more interest evinced by the public in “petticoats and pantaloons.” When, indeed, has there been a period in the history of this country when, perhaps, both men and women have not been more amused and occupied with these two things than any or all other sublunary matters?

On Tuesday, August 17, 1852, “The New York Herald” said editorially:—

“The acute observer of passing events has a fine field for study in the present aspect and bearing of the Pres-

idential campaign. He can not fail to be struck with the absence of anything like popular enthusiasm, as respects the candidates themselves, the value of the prize in dispute, and the result of the contest. Violent efforts have been made by either (each) party to create a popular *furore* in favor of one or the other of the candidates; but they have been complete failures. . . .

"The fact is, there never has been such a ludicrous, ridiculous, and uninteresting Presidential campaign in this country since it ceased to be a British Province, as the present one is, although the politicians have been straining every nerve to get up an excitement and enlist the popular feelings in the strife. They have been puffing and blowing in every direction, but all they can do they can not get up the steam; the people only laugh at them, and continue proof against all their attempts to bamboozle them. All the old experiments have been tried to arouse them from their indifference; but all to no purpose. . . .

"The exciting shout of 'Old Hickory' carried General Jackson into the White House. General Harrison was borne in on the huzza of

'Old Tippecanoe and Tyler, too,'

baeked by the fun and enthusiasm got up by hard cider and log cabins. The Texas question made the Polk campaign a stirring one, and in the last Presidential election, the expectation of the renewal of war was the winning card for General Taylor. But the present campaign is horribly dull and stupid, and has nothing whatever to recommend it to a people fond of novelties and excitement."

It was said that General Scott had secured his nomination by a letter which was read in the Whig Convention, accepting the "platform." This was a mistake, however, although it was understood that he would accept it. But his nomination was unsat-

isfactory in both sections. In North Carolina and Georgia a part of the Whigs refused to support him, and even held conventions at which they put forth Daniel Webster as their candidate. Similar conduct was exhibited in New England, and Mr. Webster himself failed to act in the usual way in such cases, and neither gave his adhesion to the nomination of General Scott nor did any thing to prevent his supporters taking the course of political suicides. But disease and finally death did for him what he had not strength enough to do, took him out of the contest, and to that extent added somewhat to the strength of his party for the hour, if it did not also add to his own reputation.

In a Whig convention which met at Macon, Georgia, July 16, 1852, Daniel Webster was nominated for the Presidency, and Charles J. Jenkins for the Vice-Presidency. This convention adopted a very mild and peaceable "platform," in which the Compromise Measures of 1850 were accepted in substance and principle as an everlasting settlement of the slavery question. A "plank" in this "platform" declared positively against the acquisition of any more territory, either by purchase or conquest; and its last "plank" announced as the true spirit and principle of American party contests, "No North, no South, no East, no West."

Mr. Jenkins was a Georgian, and some of the Whig papers of that State said his name was there a "household word." "The Boston Courier" adopted this ticket, until the death of Mr. Webster put a

stop to the foolishness.' In his "Autobiography," General Scott makes these observations :—

"At the election, Scott was signally defeated, receiving only the votes of Massachusetts, Vermont, Kentucky, and Tennessee. Virginia, his dear mother State, utterly repudiated him, her wiseacres preferring a succession or two more of pliant Administrations to pave the way for rebellion and ruin.

"The mortification of the defeated candidate was, however, nearly lost in the following reflections :—

"1. In the nomination and election of high functionaries, since the days of 'modern degeneracy' (Jacksonism), the virtue and wisdom of candidates have had but little if any weight, either in primary movements, or at the polls. It would, therefore, be illogical to ascribe Scott's defeat in the election of 1852 exclusively to his demerits, positive or comparative.

"2. Scott was a Whig. The conflicts, however, between Mr. Clay and President Tyler, combined with the ambiguous position of Mr. Webster ('Where am I to go?'), had pretty well run the party under ground; for Taylor, though nominated on the same basis, and throwing out in the canvass side glances at the other party, was, nevertheless a minority President. The outsiders—Whig office-seekers—it is true, worked like beavers for him; but the split in the Democratic ranks—running two candidates, Cass and Van Buren—decided the election.

"3. In 1852, Scott had not one of those adventitious helps. The Democrats were thoroughly united. Their famished office-seekers, remembering their long enjoyment of the flesh-pots of Government, were desperately bent on the recovery of their old livings; whereas, now there was nothing left for the outsiders, the universal Whig office-holders, 'a careless herd, full of the pasture,' 'fat and greasy citizens,' were happy to follow the example of Mr. Fillmore,

and abstain from any interference in the election; in accordance, also, with the known principles and wishes of Scott. Hence the issue went against him as if by default.

"For his political defeats, the autobiographer can not too often return thanks to God. As he has said before, they proved benefits to him. Have they been such to his country? This is a point that may, perhaps, hereafter be doubted by calm inquirers."

According to General Scott's wonderful philosophy, and more contemptible pride of self, the infinite and divine ways of Providence were reversed in his case, in the neglect of the many to benefit the individual. His political defeats had manifestly been providential blessings to himself, while he could not say so much for his country. This cool piece of egotism had no little to do with his defeat, as it would have had much to do in rendering him unsuccessful in the Presidency.

One of General Scott's greatest defects was in his placing a value upon himself which could not be reached by any great per cent of his most genuine acquaintances, or even the average easy-going charity of a majority of his countrymen. Had he really possessed the vastly disproportioned, extraordinary merits which he claimed, the defect would have been more, perhaps, in the short-sightedness of his countrymen. He was mistaken, but not presumably to that degree which generally pertains to men of swelling egotism. It must, indeed, be a small fraction of the people of this country who to-day mourn that General Scott was not President, or who believe that affairs would have been greatly different if he

had been, or that the final outcome would now be other than it is. He was a soldier, with most of the good traits of great generals, and, perhaps, possessing all their disagreeable and pitiable ones. He chose his own career, was not forced into it by necessity or against his will, and was exceedingly fortunate and successful. But in his own estimation he was always engaged in exorbitant and trying tasks without sufficient proportionate recognition or pay. The "honors" of rank and sounding title were never out of his mind. By this utterly contemptible and indefensible quality, putting his own whims, wants, and honors above the service of his country, he had done all he could to drive James Monroe and John Quincy Adams to desperation. This trait never left him. His "Autobiography," from first to last, runs over with this unworthy spirit. But General Scott had many fine qualities, some noble ones, a few really great ones, and justly and properly he will always be remembered with admiration and pride in this country as long as is preserved the history of the Wars of 1812 and Mexico.

There is, perhaps, no safe ground on which to question his patriotism. Towards the close of Mr. Buchanan's Administration old age and bodily infirmities may have reduced his military energy. He had lost his taste for war, and was a man of peace, an advocate of peace. It may not be certain that his age and habits had not to some extent blunted his judgment and lessened his sense of the evils of secession to the country.

How far he should be made to share with President Buchanan the inauguration of the War of the Rebellion at Fort Sumter, may not be readily seen; although Judge Jeremiah S. Black in 1881 laid a great part, if not the main part, of the blame to him. This very important point will be fully exhibited in the next succeeding volume of this work. With a new Administration of determined and patriotic men, the ardor of General Scott's early military career was somewhat revived, but it was soon found necessary to "retire" him from the head of the army.

The nominations at Baltimore had the good effect of breaking up the Southern secession movement to some extent; and "The Southern Press," the organ of the movement at Washington, soon died for want of support. It was thought, too, for a time, that the Abolitionists and other agitators had been greatly stunned by the nominations at Baltimore, as General Scott's success over Mr Fillmore was erroneously taken as a Free-soil triumph. But there was, indeed, little ground for enthusiasm anywhere. General Scott was a fussy, garrulous old soldier, full of pride of self, and an habitual gourmand. There was no sense in fighting over again and again the battles of Lundy's Lane and Chippewa, Vera Cruz, Cerro Gordo, and Mexico, and the people would not become enthusiastic over them. And personally there was little warmth of feeling for the proud old soldier, whose good services to the country were due to it, and were not to be paid for in this way, nor held as a debt of gratitude on the part of his countrymen.

And as to Franklin Pierce, he had a straight record, but it was similar to that of thousands of his countrymen, and presented little ground for party hurrah. He had been in Mexico, and served honorably there, but it could not be forgotten by his opponents that he had merely been one of "Jimmy" Polk's political generals. In Concord I found men who, in some sense, worship Franklin Pierce to-day, and who always speak of him tenderly and lugubriously as "the General." One of these told me that Pierce won his military title by "tall fighting in Mexico." Had I undertaken to show him his slight departure from the exact truth, he would have regarded me as an alien and an enemy, and so I did not even hint that I was under no obligations for information of that kind. Idols have always fallen before truth; but are the ignorant improved? The friends (supporters) of General Pierce made the most possible out of his military campaign, and many of them voted for him and lived and died without knowing that he was made a general before he sailed from Newport with the Ninth Regiment, and before he saw any of the service which was distasteful, sad, and heart-sickening to him in the valley of the City of Mexico. But all of these things made him no special object of assault. He desired to try his fortune in Mexico, and he came out of the trial honorably. He had proved his valor, and established the fact that he possessed no mean military ability. And his misfortunes on the field and the utter disgust and distaste he found he actually had for military

life and scenes of wholesale carnage were nothing to base an argument of cowardice upon, but only went to set out more prominently his refined, elevated, sympathetic, and manly nature, the great source of the attachment to him of those among whom he spent a quiet and unpretentious life.

Unlike General Scott, he had in him few or no very marked salient points. Little was known of him, and he was held to be free from the taints of old political associations and rings. He was a new man, with clean hands. But all that should have been said against him was said, and much more that should not have been. "The New York Tribune" and other Whig papers accused him of being a drunkard, and "The Tribune" started the story that he was obliged to resign his place in the United States Senate and leave Washington on account of "hard drinking."

A similar charge was made against General Scott, and "The True South," of Montgomery, Alabama, called him a "carbuncle-faced drunkard." So slander and misrepresentation and exaggeration held the upper hand of truth, as usual, throughout the campaign. One of the charges now brought against General Pierce, previously fully explained, was that of the Church test in the old constitution of New Hampshire.

Charles O'Conor, of New York, was induced to write to him for a statement of the facts of this case, and this he made in a brief reply. His anti and pro slavery sides were turned over and over, and

there was a very candid conviction extant that the little he did himself and the much his friends did, did not show his absolute reliability on these fundamental points.

Where General Scott lost in this campaign by letter-writing, speech-making, and general bustle, Pierce gained by remaining quiet among his friends in New Hampshire. He made a short speech at Concord, August 20, 1852, before a meeting of the officers of the Ninth Regiment; another at the New Hampshire State Fair; to the Democratic (Granite) Club of Concord in front of his own house in that city; and a speech at the meeting of the citizens of Concord called to give expression to the general sentiment on the death of Daniel Webster. Besides his letter of acceptance, between the time of his nomination and election, he wrote only three or four letters, and these of little general importance.

In speaking of General Scott's ridiculous journey or electioneering tour, "The Herald," of New York, on the 30th of September said:—

"With regard to the speeches to come, we may safely conclude that they will be of the same staple as the past—war, war, war. In every speech of the tour he has talked of nothing but campaigns, and battles, and old soldiers, with the exception of some observations about the weather, and his blarney of the 'rich Irish brogue'; and even these digressions were connected with the main topic, like the episode in a poem. . . .

"There is one thing in which General Scott's unique speeches stand distinct from all others, and that is in their wonderful resemblance to each other, and their uniformity

of texture. They are as like as eggs, and have as little variety. They forcibly bring to our recollection the dinner of rabbits to which Dean Swift was invited, and over which he said grace as follows:—

‘Rabbits roasted and rabbits boiled,  
Rabbits young and rabbits old,  
Rabbits hot and rabbits cold,  
Rabbits tender and rabbits tough,—  
God be praised, we have rabbits enough!’”

General Scott felt himself called upon to make an extended electioneering tour. It was said that he had gone from Washington City to Blue Lick Springs, Kentucky, to look into the propriety of locating a military hospital at the latter place. But on the way he made over half a hundred speeches, starting at Lewistown, Pennsylvania, September 16th, and from there speaking through Ohio, Kentucky, at New Albany and Madison, Indiana, through New York, New Jersey, Delaware, and Maryland, and toward the end of October reaching Washington.

His speeches were mainly short, and seldom touched any of the party issues, being chiefly about old wars, old soldiers, and such things, and should have been harmless enough. And perhaps the appearance of the stately old chief did stir the timid enthusiasm in this last race of the Whigs; for at this time I find “The Cincinnati Gazette,” as the day of defeat drew near, bursting forth:—

“Vote for the glorious Scott! Vote against the British candidate! Vote against the Austrian candidate! Vote against the candidate against the West! Vote against

the candidate opposed to internal improvements! Vote against the military snob! Vote against the obscurity candidate!"

On Tuesday, November 2d, the election took place, and before midnight the Whigs knew something about how badly they were beaten. There was, indeed, a wide difference in the electoral votes for the two great parties, and the signal defeat of the Whigs was a source of amazement to the whole country. Of the thirty-one States, only four of them, two Free, Massachusetts and Vermont, and two Slave, Kentucky and Tennessee, gave their electoral votes for Scott. All the others went for young Pierce. The result met with utter amazement from every quarter. But the popular vote made a better exhibit for the Whigs, and in Ohio, Connecticut, and Delaware Pierce only had a plurality over Scott, Hale's vote being greater than Pierce's majority. So that the Whig defeat in these three States at least was attributable to the Free-soil vote. It is also worthy of remembrance that all the Free States gave a Free-soil vote, although California cast but one hundred. Ohio was the banner State, Massachusetts and New York coming next on the "Free Democratic" (Abolition) list. Delaware cast sixty-two, Kentucky two hundred and sixty-five, Maryland fifty-four, and North Carolina fifty-nine Free-soil ballots. The total vote for Pierce was 1,601,474; for Scott, 1,386,578; for Hale, 156,149. This gave Pierce an actual majority over all of only 58,747 votes at the ballot-box.

This total, of course, omits South Carolina, which

strictly speaking, had not in this respect a republican form of government like the other States until after the Rebellion, and whose citizens did not, therefore, cast their votes for a President until 1868, the Presidential electors having previously been chosen by the Legislature.

Early in February, 1853, Congress took the usual steps for notifying the successful candidates for President and Vice-President, and for opening and going through the form of counting the electoral votes from the various States. Accordingly, at half-past twelve o'clock on Wednesday, the 9th of February, the members of the Senate, led by their temporary President, David R. Atchison, entered the House of Representatives. The President of the Senate took the chair of the House, and Speaker Linn Boyd, of Kentucky, sat on his left. R. M. T. Hunter, of Virginia, was teller on the part of the Senate, and George W. Jones, of Tennessee, and Joseph R. Chandler, of Pennsylvania, for the House. The President of the Senate then presented to Mr. Hunter the certificate of Maine, which was read and recorded. The whole list of States was passed through in the same manner, the result showing, what had long been well known, that the 296 electoral votes had been cast as follows: For Pierce and King, Maine, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Ohio, Louisiana, Mississippi, Indiana, Illinois, Alabama, Missouri, Arkansas, Michigan, Florida,

Texas, Iowa, Wisconsin, and California; for Scott, Massachusetts, Vermont, Kentucky, and Tennessee.

The President of the Senate then rose and said:—

“GENTLEMEN,—The whole number of electoral votes cast for President and Vice-President of the United States is 296, of which 149 are necessary to a choice. The state of the vote for President of the United States, as delivered by the tellers, is: For Franklin Pierce, of New Hampshire, 254; for Winfield Scott, of New Jersey, 42; and the state of the vote for Vice-President of the United States, as delivered by the tellers, is: For William R. King, of Alabama, 254; and for William A. Graham, of North Carolina, 42.

“I therefore declare that Franklin Pierce, of the State of New Hampshire, having the greatest number of votes for President, and that number being a majority of the whole number of electors, has been duly elected President of the United States for four years, to commence on the fourth day of March next.

“I also declare that William R. King, of the State of Alabama, having the greatest number of votes for Vice-President, and that number being a majority of the whole number of electors, has been duly elected Vice-President of the United States for four years, to commence on the fourth day of March next.”

The members of the Senate then adjourned to their own “chamber,” and each branch proceeded to appoint committees to notify the successful candidates of their election in form.

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## CHAPTER VII.

INAUGURATION OF FRANKLIN PIERCE—THE CABINET—  
JOHN P. KENNEDY—AFFAIRS OF THE  
SUMMER OF 1853.

ON the 14th of February, 1853, President-elect Pierce left his home at Concord to take upon himself the obligations and duties of the office to which he had been chosen. With his private secretary, Sidney Webster, a native of New Hampshire, and a young lawyer of promise, and a few friends, he hoped to be able to make the trip to Washington with little public notice. At New York he attempted to escape the crowd of curious, and the office-seekers, by crossing to Governor's Island to pay his respects to the widow of General Worth, but in this he was only partially successful. At Philadelphia he made a short stop, and received numerous curious and interested visitors at the Merchants' Hotel. Reaching Washington, he took up his quarters temporarily at Willard's. Here he met his political associates, received the unavoidable attentions of hosts of all kinds of people differently actuated, took some steps towards the organization of his Cabinet, and finally corrected and finished committing to memory his inaugural, which he had mainly completed before leaving New Hampshire. He visited President Fillmore, and was

himself visited and treated with much attention and kindness by Mr. Fillmore.

The way Pierce entered Washington is thus described by the correspondent of "The New York Herald":—

"WASHINGTON, February 21, 9 P. M.

"General Pierce, quite unexpectedly to the Philadelphians, left that city in the half-past two o'clock express train this afternoon, and came through to the Capital. He kept as quiet as possible at Baltimore, and there entered the rear car in company with Sidney Webster and P. Butler, reaching Washington at half-past eight o'clock. Mayor Maury was at the depot, but did not discover him. The General passed through the crowd unobserved, and before the cars had fairly stopped was off to Willard's in a coach."

On the 27th, at the invitation of John P. Kennedy, the scholarly and amiable Secretary of the Navy, he accompanied President Fillmore and most of his Cabinet, on an expedition to Ericsson's new caloric vessel at Alexandria. Captain Ericsson drily and fully explained the working of his boat, to the great satisfaction of the genial Secretary and everybody else, and gave his distinguished visitors a fine dinner, which most of them could appreciate quite as well as they could the exquisite working of his vessel. I should not neglect to mention that two of the most voracious eaters and drinkers in this party were Washington Irving and William Makepeace Thackeray, both men whose appetites seldom allowed their intellectual and better natures to forget that they were animals. Thackeray was then on a

long visit to this country, and Irving was staying in the family of Kennedy, and was playing “lion” among most “people of consequence” at the Capital. But Kennedy had gotten up this trip as one of the last memorable performances of his Navy administration, and he threw in Irving and Thackeray as an extra rare feature of the treat. Kennedy had a faculty for doing things that way. He was a great favorite with the Navy, and was in that respect, as well as in the main elements of his character, not omitting his democratic affability and considerateness, the antipode of James Kirke Paulding, one of his literary predecessors, who, according to his own confession, entered and left the Department as a tyrant, one of those strangely inconsistent Democrats, not unfrequently met, who could never bear to be jostled in a crowd, or have his corns unceremoniously trodden upon by a thoughtless “political peer” or “sovereign.”

On the following day, the 28th, Mr. Pierce dined at the White House with the President. A Washington correspondent of “The Herald,” of New York, thus speaks of this dinner to General Pierce at the White House :—

“WASHINGTON, March 1, 1853.

“The dinner yesterday at the White House was given to General Pierce. President Fillmore was at the head of the table, with General Pierce at his right, and General Scott on his left. Secretary Everett was seated opposite to Governor Marey, and Attorney-General Crittenden opposite to General Cushing, with the rest of the old and new Cabinets intermixed, together with General

Cass, General Joe Lane, Pierre Soulé, and other members of both Houses. Young Fillmore and Sidney Webster sat side by side, and such a homogeneous spectacle of diverse political elements was never known in the White House before. General Scott and Governor Marcy were especially fraternizing and agreeable. The "hasty plate of soup" was forgotten in the sparkling champagne."

At last Friday, the 4th of March, came. A vast crowd had gathered at the Capitol from all parts of the country to witness the inaugural ceremonies, and many to see what the new deal would bring to them.

Washington and Georgetown were overrun with strangers. Many of them could hardly get anything to eat, to say nothing of a bed in a hotel. On the night of the 3d, hundreds of these people actually wandered up and down the streets all night, and others slept wherever they could get a chair, even, at a hotel, and many lay on the stone floors in the passages of the Capitol. Perhaps the military display on the 4th of March had never been equaled on a similar occasion, and the vast crowd of strangers was scarcely equaled at the inaugurations of General Jackson and General Harrison. The vast procession marched from the City Hall to Willard's Hotel, and there the outgoing Executive, in an open carriage, joined it and took in the President-elect. For the greater part of the route along "The Avenue" (Pennsylvania Avenue), President Pierce stood up bare-headed in the carriage, receiving the salutations from the people in the street and houses on both sides. In the carriage were also Jesse D. Bright, of

Indiana, and Hannibal Hamlin, of Maine, of the Committee of Arrangements.

The Capitol grounds were not entered by the vehicles, except those carrying the Presidential party and the diplomatic corps, the people on foot filling up the approaches and occupying the entire space around the great building.

In the absence of the usual formalities in the Senate Chamber attending the induction of the Vice-President, nothing of unusual importance occurred there. The President-elect took the oath of office, "affirming" not "swearing," from Chief Justice Taney, holding up his right hand, with his left on the Bible, which he did not kiss in Southern style, in sight of the crowd in front of the great platform erected on the eastern portico, and then stepped forward and delivered his inaugural address, without the presence of manuscript or note of any kind. This was the first instance of the kind in the history of this ceremony, his predecessors having their inaugurals on paper. His voice was clear and admirable, and distinctly audible to a great part of the vast crowd. He occupied about thirty minutes in the delivery, and at two o'clock the firing of cannon and shouts of "the people" indicated the close of this ceremony, and the beginning of a new Administration. During this time President Fillmore's family had vacated the White House, and taken up their quarters, as previously arranged, in the rooms which had been used by Mr. Pierce at Willard's.

From the Capitol President Pierce went directly

to the White House, the retiring President being left on the way at Willard's, where he received a large part of the vast crowd that had gathered to "do him honor," and get his smiles; a hungry army who, as their turn had come, were determined to let no chance escape which would aid in securing a lick at the public trough, the legitimate property of the successful horse in the race. Not a few of them were expecting at that very time to receive their reward, or at least some token to strengthen the hope they had in them. Some of them even had their papers ready to put them into the hands and pockets of the President as they surged by in the anxious stream; and some bold fellows did introduce themselves with the important addendum that they were there to apply for an office. Poor Pierce! he might now well pine for the peace and quiet of the mountains of New Hampshire! Could he find any compensation for the next four years he was bound to pass in bitter strife and turmoil? "Honor and glory" would not suffice, for these are without permanence, at most not reaching beyond this earthly life. Nor had he any assurance, with all his good intentions, that half of his countrymen in his own generation would not condemn and despise him, and even the men of other ages be compelled to place against his name charges not indefensible in the light of future events. This day General Pierce was forty-eight years, three months and eleven days old, and was the youngest man who had yet taken upon himself the obligations of this office. From this fact he was sometimes

ridiculously called the “Boy President.” The following is President Pierce’s

### INAUGURAL ADDRESS.

*March 4, 1853.*

MY COUNTRYMEN,—It is a relief to feel that no heart but my own can know the personal regret and bitter sorrow over which I have been borne to a position so suitable for others, rather than desirable for myself.

The circumstances under which I have been called, for a limited period, to preside over the destinies of the Republic, fill me with a profound sense of responsibility, but with nothing like shrinking apprehension. I repair to the post assigned me not as to one sought, but in obedience to the unsolicited expression of your will, answerable only for a fearless, faithful, and diligent exercise of my best powers. I ought to be, and am, truly grateful for the rare manifestation of the Nation’s confidence; but this, so far from lightening my obligations, only adds to their weight. You have summoned me in my weakness; you must sustain me by your strength. When looking for the fulfillment of reasonable requirements, you will not be unmindful of the great changes which have occurred, even within the last quarter of a century, and the consequent augmentation and complexity of duties imposed, in the administration both of your home and foreign affairs.

Whether the elements of inherent force in the Republic have kept pace with its unparalleled progression in territory, population, and wealth, has been the subject of earnest thought and discussion on both sides of the ocean. Less than sixty-four years ago the Father of his Country made the then “recent accession of the important State of North Carolina to the Constitution of the United States” one of the subjects of his special congratulation. At that moment, however, when the agitation consequent upon the Revolutionary struggle had hardly subsided, when we were just emerging from the weakness and embarrassments of the Confederation, there was an evident consciousness of vigor equal to the great mission so wisely and bravely fulfilled by our fathers. It was not a presumptuous

assurance, but a calm faith, springing from a clear view of the sources of power, in a government constituted like ours. It is no paradox to say that, although comparatively weak, the new-born Nation was intrinsically strong. Inconsiderable in population and apparent resources, it was upheld by a broad and intelligent comprehension of rights, and an all-pervading purpose to maintain them, stronger than armaments. It came from the furnace of the Revolution, tempered to the necessities of the times. The thoughts of the men of that day were as practical as their sentiments were patriotic. They wasted no portion of their energies upon idle and delusive speculations, but with a firm and fearless step advanced beyond the governmental landmarks which had hitherto circumscribed the limits of human freedom, and planted their standard where it has stood, against dangers which have threatened from abroad, and internal agitation which has at times fearfully menaced at home. They approved themselves equal to the solution of the great problem, to understand which their minds had been illuminated by the dawning lights of the Revolution. The object sought was not a thing dreamed of; it was a thing realized. They had exhibited not only the power to achieve, but what all history affirms to be so much more unusual, the capacity to maintain. The oppressed throughout the world, from that day to the present, have turned their eyes hitherward, not to find those lights extinguished, or to fear lest they should wane, but to be constantly cheered by their steady and increasing radiance.

In this, our country has, in my judgment, thus far fulfilled its highest duty to suffering humanity. It has spoken, and will continue to speak, not only by its words, but by its acts, the language of sympathy, encouragement, and hope, to those who earnestly listen to the tones which pronounce for the largest rational liberty. But, after all, the most animating encouragement and potent appeal for freedom will be its own history, its trials, and its triumphs. Pre-eminently, the power of our advocacy reposes in our example; but no example, be it remembered, can be powerful for lasting good, whatever apparent advantages may be gained, which is not based upon eternal principles of right and justice. Our fathers decided for themselves, both upon the hour to declare and the hour to strike.

They were their own judges of the circumstances under which it became them to pledge to each other "their lives, their fortunes, and their sacred honor," for the acquisition of the priceless inheritance transmitted to us. The energy with which that great conflict was opened, and, under the guidance of a manifest and beneficent Providence, the uncomplaining endurance with which it was prosecuted to its consummation, were only surpassed by the wisdom and patriotic spirit of concession which characterized all the counsels of the early fathers.

One of the most impressive evidences of that wisdom is to be found in the fact that the actual working of our system has dispelled a degree of solicitude which, at the outset, disturbed bold hearts and far-reaching intellects. The apprehension of dangers from extended territory, multiplied States, accumulated wealth, and augmented population, has proved to be unfounded. The stars upon your banner have become nearly threefold their original number; your densely populated possessions skirt the shores of the two great oceans; and yet this vast increase of people and territory has not only shown itself compatible with the harmonious action of the States and Federal Government in their respective Constitutional spheres, but has afforded an additional guarantee of the strength and integrity of both.

With an experience thus suggestive and cheering, the policy of my Administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised that our attitude as a Nation, and our position on the globe, render the acquisition of certain possessions, not within our jurisdiction, eminently important for our protection, if not in the future essential for the preservation of the rights of commerce and the peace of the world. Should they be obtained, it will be through no grasping spirit, but with a view to obvious national interest and security, and in a manner entirely consistent with the strictest observance of national faith. We have nothing in our history or position to invite aggression; we have everything to beckon us to the cultivation of relations of peace and amity with all nations. Purposes, therefore, at once just and pacific, will be significantly marked in the conduct of our foreign affairs. I intend that my Administration shall leave no blot upon our fair record, and trust I may

safely give the assurance that no act within the legitimate scope of my Constitutional control will be tolerated, on the part of any portion of our citizens, which can not challenge a ready justification before the tribunal of the civilized world. An Administration would be unworthy of confidence at home, or respect abroad, should it cease to be influenced by the conviction that no apparent advantages can be purchased at a price so dear as that of national wrong or dishonor. It is not your privilege, as a Nation, to speak of a distant past. The striking incidents of your history, replete with instruction, and furnishing abundant grounds for hopeful confidence, are comprised in a period comparatively brief. But if your past is limited, your future is boundless. Its obligations throng the unexplored pathway of advancement, and will be limitless as duration. Hence a sound and comprehensive policy should embrace, not less the distant future than the urgent present.

The great objects of our pursuit, as a people, are best to be attained by peace, and are entirely consistent with the tranquillity and interests of the rest of mankind. With the neighboring nations upon our continent we should cultivate kindly and fraternal relations. We can desire nothing in regard to them so much as to see them consolidate their strength and pursue the paths of prosperity and happiness. If, in the course of their growth, we should open new channels of trade and create additional facilities for friendly intercourse, the benefits realized will be equal and mutual. Of the complicated European systems of national polity we have heretofore been independent. From their wars, their tumults, and anxieties, we have been, happily, almost entirely exempt. While these are confined to the nations which gave them existence, and within their legitimate jurisdiction, they can not affect us, except as they appeal to our sympathies in the cause of human freedom and universal advancement. But the vast interests of commerce are common to all mankind, and the advantages of trade and international intercourse must always present a noble field for the moral influence of a great people.

With these views firmly and honestly carried out, we have a right to expect, and shall under all circumstances require, prompt reciprocity. The rights which belong to us as a Nation

are not alone to be regarded, but those which pertain to every citizen in his individual capacity, at home and abroad, must be sacredly maintained. So long as he can discern every star in its place upon that ensign, without wealth to purchase for him preferment, or title to secure for him place, it will be his privilege, and must be his acknowledged right, to stand unabashed even in the presence of princes, with a proud consciousness that he is himself one of a Nation of sovereigns, and that he can not, in legitimate pursuit, wander so far from home that the agent whom he shall leave behind in the place which I now occupy, will not see that no rude hand of power or tyrannical passion is laid upon him with impunity. He must realize that upon every sea and on every soil where our enterprise may rightfully seek the protection of our flag, American citizenship is an inviolable panoply for the security of American rights. And in this connection it can hardly be necessary to reaffirm a principle which should now be regarded as fundamental. The rights, security, and repose of this confederacy reject the idea of interference or colonization on this side of the ocean by any foreign power, beyond present jurisdiction, as utterly inadmissible.

The opportunities of observation, furnished by my brief experience as a soldier, confirmed in my own mind the opinion, entertained and acted upon by others from the formation of the Government, that the maintenance of large standing armies in our country would be not only dangerous, but unnecessary. They also illustrated the importance, I might well say the absolute necessity, of the military science and practical skill furnished, in such an eminent degree, by the institution, which has made your army what it is, under the discipline and instruction of officers not more distinguished for their solid attainments, gallantry, and devotion to the public service, than for unobtrusive bearing and high moral tone. The army, as organized, must be the nucleus around which, in every time of need, the strength of your military power, the sure bulwark of your defense—a national militia—may be readily formed into a well-disciplined and efficient organization. And the skill and self-devotion of the navy assure you that you may take the performance of the past as a pledge for the future, and may confidently expect that the flag which has waved its untarnished

folds over every sea, will still float in undiminished honor. But these, like many other subjects, will be appropriately brought, at a future time, to the attention of the co-ordinate branches of the Government, to which I shall always look with profound respect, and with trustful confidence that they will accord to me the aid and support which I shall so much need, and which their experience and wisdom will readily suggest.

In the administration of domestic affairs, you expect a devoted integrity in the public service, and an observance of rigid economy in all departments, so marked as never justly to be questioned. If this reasonable expectation be not realized, I frankly confess that one of your leading hopes is doomed to disappointment, and that my efforts in a very important particular must result in a humiliating failure. Offices can be properly regarded only in the light of aids for the accomplishment of these objects; and as occupancy can confer no prerogative, nor importunate desire for preferment any claim, the public interest imperatively demands that they be considered with sole reference to the duties to be performed. Good citizens may well claim the protection of good laws and the benign influence of good government; but a claim for office is what the people of a republic should never recognize. No reasonable man of any party will expect the Administration to be so regardless of its responsibility, and of the obvious elements of success, as to retain persons, known to be under the influence of political hostility and partisan prejudice, in positions which will require, not only severe labor, but cordial co-operation. Having no implied engagements to ratify, no rewards to bestow, no resentments to remember, and no personal wishes to consult in selections for official stations, I shall fulfill this difficult and delicate trust, admitting no motive as worthy either of my character or position which does not contemplate an efficient discharge of duty and the best interests of my country. I acknowledge my obligations to the masses of my countrymen, and to them alone. Higher objects than personal aggrandizement gave direction and energy to their exertions in the late canvass, and they shall not be disappointed. They require at my hands diligence, integrity, and capacity, wherever there are duties to be performed. Without these qualities in their public servants, more

stringent laws, for the prevention or punishment of fraud, negligence, and peculation will be vain. With them, they will be unnecessary.

But these are not the only points to which you look for vigilant watchfulness. The dangers of a concentration of all power in the General Government of a Confederacy so vast as ours are too obvious to be disregarded. You have a right, therefore, to expect your agents in every department to regard strictly the limits imposed upon them by the Constitution of the United States. The great scheme of our Constitutional liberty rests upon a proper distribution of power between the State and Federal authorities; and experience has shown that the harmony and happiness of our people must depend upon a just discrimination between the separate rights and responsibilities of the States and your common rights and obligations under the General Government. And here, in my opinion, are the considerations which should form the true basis of future concord in regard to the questions which have most seriously disturbed public tranquillity. If the Federal Government will confine itself to the exercise of powers clearly granted by the Constitution, it can hardly happen that its action upon any question should endanger the institutions of the States, or interfere with their right to manage matters strictly domestic according to the will of their own people.

In expressing briefly my views upon an important subject which has recently agitated the Nation to almost a fearful degree, I am moved by no other impulse than a most earnest desire for the perpetuation of that Union which has made us what we are, showering upon us blessings, and conferring a power and influence which our fathers could hardly have anticipated, even with their most sanguine hopes directed to a far-off future. The sentiments I now announce were not unknown before the expression of the voice which called me here; my own position upon this subject was clear and unequivocal, upon the record of my words and my acts, and it is only recurred to at this time because silence might perhaps be misconstrued. With the Union my best and dearest earthly hopes are entwined. Without it what are we individually or collectively? What becomes of the noblest field ever opened for the advancement of our race, in

religion, in government, in the arts, and in all that dignifies and adorns mankind? From that radiant constellation which both illumines our own way and points out to struggling nations their course, let but a single star be lost, and, if there be not utter darkness, the luster of the whole is dimmed. Do my countrymen need any assurance that such a catastrophe is not to overtake them while I possess the power to stay it? It is with me an earnest and vital belief, that as the Union has been the source, under Providence, of our prosperity to this time, so it is the surest pledge of a continuance of the blessings we have enjoyed, and which we are sacredly bound to transmit undiminished to our children. The field of calm and free discussion in our country is open, and will always be so; but never has been, and never can be, traversed for good in a spirit of sectionalism and uncharitableness. The founders of the Republic dealt with things as they were presented to them, in a spirit of self-sacrificing patriotism, and, as time has proved, with a comprehensive wisdom, which it will always be safe for us to consult. Every measure tending to strengthen the fraternal feelings of all the members of our Union has had my heart-felt approbation. To every theory of society or government, whether the offspring of feverish ambition or of morbid enthusiasm, calculated to dissolve the bonds of law and affection which unite us, I shall interpose a ready and stern resistance. I believe that involuntary servitude, as it exists in different States of this confederacy, is recognized by the Constitution. I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the Constitutional provisions. I hold that the laws of 1850, commonly called the "Compromise Measures," are strictly Constitutional, and to be unhesitatingly carried into effect. I believe that the constituted authorities of this Republic are bound to regard the rights of the South in this respect as they would view any other legal and Constitutional right; and that the laws to enforce them should be respected and obeyed, not with a reluctance encouraged by abstract opinions as to their propriety in a different state of society, but cheerfully, and according to the decisions of the tribunal to which their exposition belongs. Such have been, and are, my convictions, and upon them I shall act. I fervently hope that

the question is at rest, and that no sectional or ambitious or fanatical excitement may again threaten the durability of our institutions or obscure the light of our prosperity.

But let not the foundation of our hope rest upon man's wisdom. It will not be sufficient that sectional prejudices find no place in the public deliberations. It will not be sufficient that the rash counsels of human passion are rejected. It must be felt there is no national security but in the Nation's humble, acknowledged dependence upon God and his overruling providence.

We have been carried in safety through a perilous crisis. Wise counsels, like those which gave us the Constitution, prevailed to uphold it. Let the period be remembered as an admonition, and not as an encouragement, in any section of the Union, to make experiments where experiments are fraught with such fearful hazard. Let it be impressed upon all hearts, that, beautiful as our fabric is, no earthly power or wisdom could ever reunite its broken fragments. Standing as I do almost within view of the green slopes of Monticello, and, as it were, within reach of the tomb of Washington, with all the cherished memories of the past gathering around me, like so many eloquent voices of exhortation from heaven, I can express no better hope for my country than that the kind Providence which smiled upon our fathers may enable their children to preserve the blessings they have inherited.

Many Whig editors sharply criticised this "Inaugural," and the New York "Tribune" was especially severe on it. All of them referred to its want of simplicity, and its apparent plainness, but real concealment on points where it was supposed to be indicative of bravery to be plain; and "The Tribune" said the first sentence was out of place on such an occasion, and the whole address reminded its editor of the man who was usually swearing when he was not praying, and who, by such conduct, so annoyed

his little son, that the boy remarked to him one day that he mixed those two things up with great inconsistency, and he would like it if he would stop either swearing or praying, he did not mind which.

This address and the manner of its delivery (the same spirit appearing to some extent in his first annual message) furnish one of the few points in his life at which it appears that Franklin Pierce exhibited some vanity not wholly inexcusable, if vanity is ever excusable. No man who knows anything truly of Franklin Pierce could think for a moment that there could be any sham about his affection for his lost boy (this fact will appear more clear hereafter), but the reference to his loss in the first sentence of this address was neither modest nor in good taste, and must carry with it forever an impression of the adroit actor who, at the very outset, would put himself on good and favorable relations with his audience through one of the most unreliable but easily excited channels, that of sympathy. It is well-known that great and small, real, and all sorts of imaginary misfortunes are the reserve force in the hands of the demagogue, whether on the stump, in the pulpit, or in social affairs, for reaching human sympathy and support. I take it that no man has a right, anywhere, much less on great and unusual public occasions, to hold up his external, domestic, and other troubles and ailments, or his internal and mental ones, to public gaze and commiseration. This is a large part of the very quintessence of selfishness practiced in this world.

It is as if a man should say: "Look at my sores, see my troubles, the great burdens and misfortunes that are upon me! Come and shed a tear with me! Give me your sympathy! Abuse those that bring these things to my well-meaning life! If you have mischances, why, then, God have mercy on you; but I am the all-absorbing theme, come and help me!" The great heart fights valiantly on, and if it stoops, it only does so to bind up the bruises of others, or to throw some rays of gladness on paths that stretch helplessly out toward the darkness of night. To ride into place or favor on popular sympathy is shameful; to seek sympathy for selfish gratification merely is unworthy of man; to seek it for confirmation and establishment in repining, to gain strength for erroneous combat or for a fancied sense of unequal rights and privileges, unequal domestic struggles, unrequited love, or an unpampered, ungratified, unbridled will, is contemptible. None of these things, however, could apply to Franklin Pierce. But in this moment of "supreme triumph" he could not forget his dead boy, "the apple of his eye;" and that this purely earthly affection should assert itself here even, when it should have been buried deeply within the silent realm of thought and heart, may be more a matter of kindly charity than sharp and unyielding criticism.

Even in late years this President of the United States has been accused of vanity, that vanity which offends. While I have been unable to find the evidences of the truth of this charge among those who

knew him best, or in the words and other remains of his quiet, refined, and unpretentious life in New Hampshire, there is in this address a very decided tinge of what is termed "pardonable vanity," and which the Democratic party very fully shared with President Pierce. His performance on the eastern portico of the Capitol in this whole inaugural ceremony was very decidedly unique and remarkable, especially in a position and a city where precedents had been held almost as Constitutional exactions since the days of Washington. His age, to say nothing of his personal appearance, was a flattering circumstance. None of his predecessors had been so young. James K. Polk was not much his senior, nor were John Tyler and Millard Fillmore. And of those who have come after him, Garfield and Arthur were young men, and even Abraham Lincoln was only twenty-two days over fifty-two years of age when he was inaugurated, March 4, 1861.

President Pierce's mode of taking the oath of office, in departing from the old custom, was striking, and his fine, easy oratory, without manuscript or note, lifted him up with the audience, whatever had led him to pursue such a course. His appearance and conduct were that of the easy lawyer and speaker. He very deliberately drew off his great coat, and stepped gracefully forward to the business in hand. He spoke with so much enthusiasm often, especially on the more leading and striking points as to cause him to turn to Mr. Fillmore and other distinguished listeners behind him, as if appealing to another court

to enforce his purposes. His manner and gesture were attractive, and at many of his beautiful periods, the demonstrations of the listeners showed that the vast crowd went with him.

The most pleased and demonstrative part of his auditors were, perhaps, the "ladies." This young President had a new kind of fire about him, and gave promise of a splendid social Administration. In person, he was a very Apollo. The women of Washington, above all others in this country, admire dash and intellectual daring, courtly bearing in the opposite sex; as they possess, perhaps, more of these qualities themselves than are found among the people of tame, social communities. I am willing to say, for my own part, that the most intelligent and fascinating women I have had the good fortune to meet in great numbers I saw in Washington. And while I bear this testimony to the women gathered at the National Capital from all parts of the Union, I am unable to escape the impression I often got there of a vein of loud, consequential vulgarity, with both men and women, which, more than at any other place I know, reminded me that I was in Washington. But whether the President exhibited a grain or two of vanity in departing from the former usages, in his dashing manner, or in the language he employed, the mass of the people, and in particular the women, were well pleased with him at the outset.

This address reasserts the "Monroe Doctrine," as it is commonly understood; and fully gratified the expectations of the South as to the great slavery

issue; and especially among the masses, who expected and desired nothing for themselves, it was generally well received. The Senate met in extra session, as usual on such occasions, after the inauguration ceremonies, and, on the 7th of March, the President sent in the names of the following persons for confirmation as his Cabinet: William L. Marcy, of New York, Secretary of State; James Guthrie, of Kentucky, Secretary of the Treasury; Robert McClelland, of Michigan, Secretary of the Interior; J. C. Dobbin, of North Carolina, Secretary of the Navy; Jefferson Davis, of Mississippi, Secretary of War; James Campbell, of Pennsylvania, Postmaster-General; and Caleb Cushing, of Massachusetts, Attorney-General.

These appointments were at once confirmed, and on the 8th the members of the new Cabinet entered upon the discharge of their offices, which continued uninterrupted and harmonious until the expiration of the term of President Pierce. Although General Pierce had been exceedingly close as to his Cabinet, it was very well known by the last of February who would compose it.

The excellent Kennedy thus describes his retirement to the shades of private life, the breaking up of old associations, his easy and admirable return to quiet former ways, and the introduction of the new Administration into the management and "honors" of public affairs:—

“WASHINGTON, Tuesday, March 8, 1853.

"The officers of the Navy, some forty in number, call to make me their adieu. I appoint eleven o'clock to introduce them to the new Secretary, Mr. Dobbin, who

comes at half-past eleven. I present the heads of Bureaus and the officers assembled to him. I then accompany the officers to take leave of Mr. Fillmore at Willard's. Thence the whole corps comes to my house to make their respects to Mrs. Kennedy. We have quite a painful leave-taking. They are very kind to me, and express great and, I have no doubt, honest regret. Irving is present, and says they are fine fellows. He is quite taken with the Navy Department. There is so much poetry, he says, in its material and incidents. I regard it as much the most interesting portion of the Executive Government. Mrs. Hare and my niece are present at this leave-taking. Mary is quite affected by it. She is a favorite with the officers. After this, it being one o'clock, we call on President Pierce with the new Secretary, and he introduces the corps to the President. Mr. Pierce has invited Mr. Fillmore and his family and the old Cabinet to dine with him to-morrow, to meet the new Cabinet,—in exchange for Mr. Fillmore's hospitality to him. I tell Mr. Pierce to-day that I am obliged to go to Baltimore this afternoon, and can not be back in time for his dinner. ‘You must come,’ he tells me; but I say it is impossible. ‘But your wife—she will come?’ ‘Yes.’ Then he said: ‘Tell her I will take care of her. I will send my carriage for her, and Chief-Justice Gilchrist, of New Hampshire, to conduct her. Remember to tell her that.’ ‘Certainly,’ I replied; ‘she will be greatly flattered by your kindness.’ I took my leave, and having all my officers still around me, we determined to call and make our respects to the new Secretary of War, which we did. After that I took my final leave of the corps, with a few kind words at the door of the War Department, then hurried on to the avenue. I was still followed, however, by some dozen officers, who accompanied me to the corner of F Street, opposite the Treasury, where I had business, and at that point, with a hearty ‘God bless you, gentlemen!’ we parted. Thus ends my official career.

"At three, having dined, Irving and Mrs. Hare get with me into the carriage—Irving on his return to New York, Mrs. H. to go to Ellicott's Mills. Poor Irving is very sad at parting with the family, and sheds tears. But we are soon at the depot, and then off for Baltimore by the train at half-past three. We part with Mrs. Hare at the Relay House, and reach Baltimore at half-past five. Drive to our house in Calvert Street, where I have a room for Irving. Mr. Gray and Martha are expecting us. Mr. G. quite well again. We have a delightful evening at home."

Jefferson Davis, an extreme State-Rights advocate, had not seen fit to join the futile movement headed by Troup and Quitman in the South, and had given his earnest support to Franklin Pierce in the Presidential race. Pierce, soon after his election, offered Mr. Davis a place in his Cabinet. This was declined, Davis, perhaps, thinking that in such times his place was in the South, where the great secession movement was yet in its larva state, with no very well defined indications of its future transformations. But Mr. Pierce insisted on Davis being present at his inauguration at least. When Mr. Davis reached Washington, on the day after the inauguration, the proposition was again renewed for him to become a member of the new Cabinet, and, pressed by his Southern friends, he accepted. He remained at the head of the War Department until the close of the Administration, in the full confidence of the President; nor is there any evidence to show that the mutual respect and confidence then existing between him and Franklin Pierce was ever broken.

Pierre Soulé, of Louisiana, was appointed "Minister Plenipotentiary and Envoy Extraordinary" to Spain, and this appointment was regarded at once as presenting the key to President Pierce's Cuban policy, as it was well known that Soulé was not only one of the promoters of Cuban filibustering, but was that with a view to adding this undisputed slave territory to the United States. His mission to Spain pointed certainly to negotiations for the purchase of Cuba. On his way out Mr. Soulé made a speech in New York, in which he displayed some impatience with the usages of the past, and indicated a belief in a policy which should look even beyond the mere acquisition of Cuba. The most important foreign appointment at this time was that of James Buchanan with the highest ministerial rank to England. On the 28th of March the Senate adjourned, having done little more in the prolonged, or brief extra, session than confirm the appointments of the new Administration.

For the next twelve months the country was comparatively quiet. Political turmoil was at a standstill. The South had every reason to be pleased with the Administration, and the Northern wing of the Democratic party which had elected Mr. Pierce was satisfied with the present aspect of affairs. The Cabinet was not especially strong, but it compared very favorably with others; and there were, indeed, few more able men among politicians than Jefferson Davis and William L. Marcy. And on the whole the country generally looked forward to a Presidential term of comparative peace.

Robert McClelland was Governor of Michigan at the time of his appointment to a place in the Cabinet. In 1851 he had first been elected Governor of that State, and having been re-elected, was entering upon his second term of two years. He was forty-five years old, and a native of Pennsylvania. He was a lawyer; was member of Congress for three consecutive terms from 1843 to 1849; was sometime member of the Michigan Legislature; in 1843 was Speaker of the Lower House in that body. He had made Free-soil speeches and voted for the Wilmot Proviso. He had been a supporter of General Cass, and was disposed to favor internal improvements, especially in the great Democratic line of rivers and harbors. He was a man of respectable ability.

James C. Dobbin was a lawyer of Fayetteville, North Carolina; was a member of Congress from 1845 to 1847; was recently Speaker of the House in the State Legislature ("House of Commons," in the British parlance of the State); had been defeated for the United States Senate by the influence of Romulus M. Saunders and others; and this last fact, together with his being a member of the nominating convention at Baltimore and seconding the Virginia move for Pierce, got him the place in the Cabinet. He was said to be an eloquent and industrious lawyer.

James Campbell was thirty-five years old, youngest man in the Cabinet; was Attorney-General of Pennsylvania by appointment at the time; was a lawyer of Philadelphia; had been a Judge of Common Pleas in that city; he was a Catholic, and had

been defeated by Whigs and Know-Nothings in an attempt to reach the Supreme Bench of the State; this fact and the influence of Mr. Buchanan gave him his place in the Cabinet.

William Larned Marcy was born December 12, 1786, in Sturbridge, Worcester County, Massachusetts. After going through an academic course of study, he entered Brown University, Providence, R. I., and there graduated in 1808. He soon after settled at Troy, New York, where he studied law and was admitted to the bar, and soon was deep in politics as a Democrat. He served in the State militia as a volunteer in the War of 1812. In 1816 he was appointed Recorder of the city of Troy, but by his opposition to Governor Clinton was removed in 1818. In 1821 when the anti-Clintonians came into power, he was appointed Adjutant-General by Governor Yates, and took up his residence at Albany, which was ever after his home. He was one of the organizers of the "Albany Regency," and one of Martin Van Buren's most powerful aids. In 1823 the Legislature appointed him State Comptroller. This position he held several years; and in 1829 was appointed one of the Associate Justices of the Supreme Court of the State. In 1831 he resigned that office to become United States Senator. This place he also resigned to become Governor in 1833. In 1834 and 1836 he was re-elected to this office. He was defeated in 1838 by William H. Seward. He now engaged in his private affairs chiefly until 1845, when he became Secretary of War in the Cabinet of Mr.

Polk. Here he made an admirable record, and placed himself among the most able of the incumbents of this Department. As Secretary of State under Mr. Pierce he did not, perhaps, lose in the common estimation of his ability and skill. Soon after the end of Mr. Pierce's Administration, Mr. Marcy suddenly died of heart disease at one of the health or summer resorts of his own State.

Caleb Cushing was born in January, 1800, in Salisbury, Essex County, Massachusetts. His father was a wealthy ship merchant. Caleb graduated at the age of eighteen in Harvard College. He began the study of the law at Cambridge, but was appointed tutor of mathematics and philosophy at Harvard, a position he held for two years. He then settled at Newburyport in the practice of law. He was successful, and had a good reputation as a lawyer. In 1825 he was sent from Newburyport to the Lower House of the Legislature. In 1826 he was elected to the State Senate. He then again returned to the law profession. In 1829 he went to Europe, and on his return published his work, "Reminiscences of Spain." In 1830 he wrote a "Historical and Political Review of the Revolution in France," and at this time appeared as a writer in some of the magazines. In 1833 and 1834 he again served in the Legislature, and after several unsuccessful attempts was elected to Congress in 1835. He served eight years by continued re-election at this time. He had throughout been a Whig. He took sides with Mr. Tyler in his quarrel with the Whigs, and finally drifted into the

ranks of the Democracy. In 1843 Mr. Tyler offered him a place in his Cabinet, but the Senate would not confirm him. The President then appointed him commissioner to China, and to this arrangement the Senate finally assented. He started on his mission in 1843, and in the following year made a treaty with that country, thus establishing the first diplomatic relations with China. In 1846 he was again elected to the Legislature. He acted with the Democratic party in support of the Mexican War. The Legislature failing to furnish twenty thousand dollars asked to equip the regiment from his State, he supplied the money from his own means, and was then elected its Colonel. In the spring of 1847 he joined Taylor on the Rio Grande with his regiment; was soon after appointed a brigadier by President Polk; was by his own request transferred to Scott, but failed to be engaged in any of the battles of the war. While absent the Democrats ran him for Governor, but he was defeated. In 1848 he supported Cass; in 1850 was again sent from Newburyport to the Legislature; in 1851 was offered the Attorney-Generalship of the State, but declined to serve; in May, 1852, he was appointed by the Legislature to the additional (newly created) seat on the Supreme Bench of the State, and held this at the time of accepting the place in the Cabinet of Mr. Pierce.

From the recent bereavement in the President's family, affairs at the White House were of little public note during the summer and fall of 1853. Although there was a short lull in the political field at

home, the new Administration had its hands full of troublesome foreign affairs from the outset. One of the first things demanding its attention was the unsatisfactory condition of the fishery question not fully adjusted with Great Britain under President Fillmore. During the fishing season Mr. Pierce sent a small naval force to the north-eastern coast; but the whole difficulty at this time touching this everlasting source of annoyance arose, to some extent, from a misunderstanding of the intentions of England as to restricting the former privileges of American fishermen in the bays and inlets on the north-eastern coast, and the matter was finally amicably settled in the summer and fall of 1854.

This was not, however, all the issue with Great Britain at this time. The question of interoceanic communication across the Central American Isthmus had again arisen into dispute; and there still existed some uneasiness as to the north-western boundary on the Pacific, matters which will be more fully noticed in another place. A controversy sprang up at this time between New Mexico and Chihuahua as to their boundaries, and in this the Administration became at once involved, as will be seen further on.

At the last session Congress made provision for the survey of different routes to the Pacific Ocean with a view of opening railway communication between the Atlantic and the Pacific. Under the direction of the War Department, President Pierce at once set about this important matter, and during this summer (1853) four expeditions were started out,

beginning at different points on the Mississippi. The general courses taken in the routes surveyed became those of the great railroads to the Pacific, the expeditions being under the direction of the War Department.

The great expedition for the exploration of the Pacific Ocean about Behring Strait, and between the northwest coast of the United States and China, under Captain Ringgold, sailed from Norfolk in the summer of this year. And on the last day of May the Grinnell expedition left New York under the command of Dr. Elisha K. Kane. This memorable expedition was, however, projected under the Administration of Mr. Fillmore, and its patron saint, so far as the Government was concerned, was the admirable John P. Kennedy. Through Mr. Kennedy's instrumentality the Government took part in this expedition, and early in the fall of 1852 Dr. Kane received his orders from the Secretary of the Navy, but it took its name from Mr. Henry Grinnell, a wealthy and philanthropic merchant of New York, who bore part of the expense, and was one of its originators.

As to one object of this expedition at least, the recovery of the body of Sir John Franklin, it was a failure. It returned in 1855, and poor Kane died two years afterwards, from disease contracted by hardship and exposure in the Arctic region.

President Pierce also took part this summer (July 14, 1853) in opening the "World's Fair," in the "Crystal Palace," at New York. This peaceful summer was indeed crowded with grand and inter-

esting events, which must forever render memorable the introduction of this Administration.

During this summer another event occurred to disturb the peaceful relations between the United States and Austria, temporarily, and cause the "Statesman" Hülsemann to expose himself, as he did under the former Administration, and draw upon himself a reply from a no less caustic pen than that of Daniel Webster. Martin Koszta, a Hungarian refugee to this country, who had engaged in the rebellion of 1848, and who had declared his intentions to become a citizen of the United States, made a trip to the Mediterranean to engage in trade, but under the protection of this Government, was seized while at Smyrna and carried on board an Austrian brig, to be taken to Trieste to be punished for his participation in the rebellion. Captain Ingraham, with the war-sloop *St. Louis*, happening at this juncture to arrive at Smyrna, and finding that Koszta had appealed in vain to the American Consul, made an inquiry into the case, and, believing that Austria had no right to Koszta, demanded his release. The request not being heeded, Ingraham cleared his vessel for action, and gave the Austrian notice of his intention to blow him up, if the Hungarian were not delivered to him in a certain time. This spirited conduct changed the state of the case, and Koszta was at once handed over, and placed in the keeping of the French Consul. He subsequently returned in safety to this country. When news of this affair reached Washington, in August, Chevalier Hülsemann

demanded an apology from this Government. Mr. Marcy replied in one of the most able of the American state papers, in the spirit which had actuated Ingraham in the port of Smyrna, and poor Hülsemann was again left to smart. The Administration and the Nation gained, both at home and abroad, by this spirited defense of their own and the rights of mankind; and Ingraham, for the part he took, received a sword and a vote of thanks from Congress.

## CHAPTER VIII.

FIRST ANNUAL MESSAGE UNDER THE NEW ADMINISTRATION—PROSPECTS AND HOPES—THE GREAT SLAVERY CONTEST BEGINS—WILLIAM R. KING.

AT noon, Monday, December 5, 1853, the Senate met and was called to order by David R. Atchison, chosen President *pro tem.*, on the resignation of Mr. King at the last session. This body now had sixty-two members, thirty-six Democrats, twenty Whigs, and two Free-soilers, and there were four vacancies. The following were some of the most distinguished Senators at this time, or who became distinguished in the future political history of the country: Hannibal Hamlin, Clement C. Clay, Solomon Foot, John Slidell, Judah P. Benjamin, Charles Sumner and Edward Everett, Salmon P. Chase and Benjamin F. Wade, John Bell, Wm. H. Seward and Hamilton Fish, Jesse D. Bright, Stephen A. Douglas, James A. Bayard, John M. Clayton, James Alfred Pearce, Lewis Cass, James M. Mason and R. M. T. Hunter, George E. Badger, Sam Houston, and Robert Toombs.

The House now consisted of two hundred and thirty-four members, and five Territorial delegates, Washington recently having been organized, but these delegates had no vote in the proceedings of the

House. The political division of this body was as follows: Democrats, 159, Whigs 71, and Free-soilers, 4. Among the most noteworthy or sometime famous members were Israel Washburne, Jr., of Maine; Gerrit Smith, of New York; Felix K. Zollicoffer, of Tennessee; Thomas H. Benton, of Missouri; the delegates Joseph Lane, of Oregon, and Henry M. Rice, of Minnesota, besides those mentioned heretofore as among the supporters and opponents of the Kansas-Nebraska Bill.

At 12 o'clock Monday, December 5th, Mr. Forney, the old clerk, called the House to order, when it proceeded at once to the election of a Speaker in the following vote:—

Linn Boyd,	143
Joseph R. Chandler,	35
Lewis D. Campbell (Ohio Free-soiler),	11
Presley Ewing, of Kentucky,	7
Solomon G. Haven,	6
James L. Orr (South Carolina State-Rights Secessionist,	4
Wm. Preston, of Kentucky,	3
John G. Miller, of Missouri,	3
Thos. M. Howe, of Pennsylvania,	2

John C. Breckinridge and two others one each, making 217 votes in all.

Mr. Boyd then made a short speech, when Joshua R. Giddings, the oldest consecutive member, administered to him the oath of office. After some delay, the vote was taken for Clerk, there being but 200 members present; and of these Mr. Forney received 121, and the others were scattered among nine candidates.

An almost new generation of politicians had now come to the front. In the Halls of Congress few of the old faces were seen. Wm. R. King, the last of the second race of political leaders had just died, and Thomas Hart Benton was out of his place for a short term in the House, to which he never returned. Connected with this Administration were a few of the men who had figured with some prominence in public affairs for the last quarter of a century; but the great mass of them as well as the party and Congressional leaders belonged to the generation in which the President stood himself.

How well this race of American "statesmen," or political leaders and law-makers, compared with the two preceding ones may be a matter of question. But one thing is certain. They were the men for the emergency. As actors and guides in the interesting and memorable events of the next twenty-five years they were peculiarly adapted. This could not in any sense be said of those who had gone before them had they been still at the head of public matters. And it may be safely asserted that a more energetic, determined, and intellectual race of men has at no time before or since marked the history of this country. Of course, into this count must be taken large numbers of men, both North and South, who were at this time unconnected with the Government in any of its branches, and who were to some extent mere spectators of passing events. This was, indeed, the beginning of the era of political giants in this country. One of the most artful and ambitious

men of this period was distinctively known as the "Little Giant." Besides his diminutive size, his great skill on the stump, in the Legislature, and in partisan management, there was really another reason for this designation, and that was the fact that he was surrounded by a race of great giants. Every age in the history of this country has had its leaders, which could not, perhaps, have been replaced or superseded by those of another without detriment in the development of the grand scheme of government, as well as of political and social life.

William R. King was born in North Carolina, April 7, 1786. His father, William King, was a wealthy North Carolinian, and was a prominent actor in the Revolutionary scenes in that State. He aided in framing the State Constitution, and served some time in the Assembly. William R. King attended the University of North Carolina at Chapel Hill, which he left, however, at the age of seventeen, and entered upon the study of the law at Fayetteville. He began the law practice in his native county. At the age of twenty-one, he was first elected to the Legislature. He was re-elected, and was then appointed solicitor for the Wilmington District, serving in that capacity two years. At the age of twenty-five he became a member of the Lower House of Congress, where he remained from 1811 to 1816. In the latter year he resigned his place in Congress to become Secretary of legation under William Pinkney to Russia. In 1818 he returned home, and settled in Alabama. He assisted in framing the con-

stitution of that State, and was chosen as one of its first United States Senators in 1819, John W. Walker being his colleague. He was re-elected to this office at the end of every six years, and continued in it until elected Vice-President. In 1844, however, he resigned his seat to become President Tyler's Minister to France. He was a strong advocate of the annexation of Texas, and went to France chiefly under the impression that he could prevent Louis Philippe making a protest against the addition of Texas to the territory of this Government. He was not wholly successful in his mission, and returned home late in 1845. In 1848 he was appointed United States Senator to fill the unexpired term of Walter Bagley, and in the following year was elected by the Legislature for a full term of six years. He filled the chair of the Senate longer than any other man who ever occupied it. He was presiding over that body at the time of his nomination for Vice-President on the ticket with Franklin Pierce, and on the 22d of June, 1852, dated his letter of acceptance from the Senate Chamber.

A brittle thread only had several times separated him from the Presidency. He left the chair of the Senate, and was seeking health in Cuba at the time of the election, and on that island, at a farm-house near Havana where he was stopping, the oath of office as Vice-President was administered to him by the American Consul. But he never returned to Washington, and never again appeared in the Senate. He returned to his home in Alabama, and there, on the

18th of April, 1853, died of consumption. On the 8th of December the Senate took action on his death; Hunter, of Virginia, Edward Everett, General Cass, Stephen A. Douglas, and John M. Clayton pronounced eulogies to his memory, the latter saying that "Mr. King passed from the cradle to the grave without a blot upon his name." In the House on the same day Benton, Latham, Harris, of Alabama, Taylor, of Ohio, and others also, pronounced stiff and formal eulogiums.

Mr. King was the first bachelor who had ever been elected to the second office of the Nation. He was the twelfth elected Vice-President, and the seventh only who had never become President, and the only one who never actually served as Vice-President.

#### PRESIDENT PIERCE'S FIRST ANNUAL MESSAGE.

*December 5, 1853.*

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

The interest with which the people of the Republic anticipate the assembling of Congress, and the fulfillment on that occasion of the duty imposed upon a new President, is one of the best evidences of their capacity to realize the hopes of the founders of a political system at once complex and symmetrical. While the different branches of the Government are, to a certain extent, independent of each other, the duties of all, alike, have direct reference to the source of power. Fortunately, under this system, no man is so high and none so humble in the scale of public station as to escape from the scrutiny, or to be exempt from the responsibility, which all official functions imply.

Upon the justice and intelligence of the masses, in a Government thus organized, is the sole reliance of the confederacy, and the only security for honest and earnest devotion to its

interests against the usurpations and encroachments of power on the one hand, and the assaults of personal ambition on the other.

The interest of which I have spoken is inseparable from an inquiring, self-governing community, but stimulated, doubtless, at the present time, by the unsettled condition of our relations with several foreign powers; by the new obligations resulting from a sudden extension of the field of enterprise; by the spirit with which that field has been entered, and the amazing energy with which its resources for meeting the demands of humanity have been developed.

Although disease, assuming at one time the characteristic of a wide-spread and devastating pestilence, has left its sad traces upon some portions of our country, we have still the most abundant cause for reverent thankfulness to God for an accumulation of signal mercies showered upon us as a nation. It is well that a consciousness of rapid advancement and increasing strength be habitually associated with an abiding sense of dependence upon Him who holds in his hands the destiny of men and of nations.

Recognizing the wisdom of the broad principle of absolute religious toleration proclaimed in our fundamental law, and rejoicing in the benign influence which it has exerted upon our social and political condition, I should shrink from a clear duty did I fail to express my deepest conviction that we can place no secure reliance upon any apparent progress if it be not sustained by national integrity, resting upon the great truths affirmed and illustrated by divine revelation. In the midst of our sorrow for the afflicted and suffering, it has been consoling to see how promptly disaster made true neighbors of districts and cities separated widely from each other, and cheering to watch the strength of that common bond of brotherhood which unites all hearts, in all parts of this Union, when danger threatens from abroad, or calamity inipends over us at home.

Our diplomatic relations with foreign powers have undergone no essential change since the adjournment of the last Congress. With some of them, questions of a disturbing character are still pending, but there are good reasons to believe that these may all be amicably adjusted.

For some years past Great Britain has so construed the first

article of the convention of the 20th of April, 1818, in regard to the fisheries on the north-eastern coast, as to exclude our citizens from some of the fishing grounds to which they freely resorted for nearly a quarter of a century subsequent to the date of that treaty. The United States have never acquiesced in this construction, but have always claimed for their fishermen all the rights which they had so long enjoyed without molestation. With a view to remove all difficulties on the subject, to extend the rights of our fishermen beyond the limits fixed by the convention of 1818, and to regulate trade between the United States and the British North American provinces, a negotiation has been opened, with a fair prospect of a favorable result. To protect our fishermen in the enjoyment of their rights, and prevent collision between them and British fishermen, I deemed it expedient to station a naval force in that quarter during the fishing season.

Embarrassing questions have also arisen between the two governments in regard to Central America. Great Britain has proposed to settle them by an amicable arrangement, and our Minister at London is instructed to enter into negotiations on that subject.

A commission for adjusting the claims of our citizens against Great Britain, and those of British subjects against the United States, organized under the convention of the 8th of February last, is now sitting in London for the transaction of business.

It is in many respects desirable that the boundary-line between the United States and the British provinces in the Northwest, as designated in the convention of the 15th of June, 1846, and especially that part which separates the Territory of Washington from the British possessions on the north, should be traced and marked. I therefore present the subject to your notice.

With France our relations continue on the most friendly footing. The extensive commerce between the United States and that country might, it is conceived, be released from some unnecessary restrictions, to the mutual advantage of both parties. With a view to this object, some progress has been made in negotiating a treaty of commerce and navigation.

Independently of our valuable trade with Spain we have

important political relations with her, growing out of our neighborhood to the islands of Cuba and Porto Rico. I am happy to announce that since the last Congress no attempts have been made, by unauthorized expeditions within the United States, against either of those colonies. Should any movement be manifested within our limits, all the means at my command will be vigorously exerted to repress it. Several annoying occurrences have taken place at Havana, or in the vicinity of the island of Cuba, between our citizens and the Spanish authorities. Considering the proximity of that island to our shores, lying, as it does, in the track of trade between some of our principal cities, and the suspicious vigilance with which foreign intercourse, particularly that with the United States, is there guarded, a repetition of such occurrences may well be apprehended. As no diplomatic intercourse is allowed between our consul at Havana and the Captain-General of Cuba, ready explanations can not be made, or prompt redress afforded, where injury has resulted. All complaint on the part of our citizens, under the present arrangement, must be, in the first place, presented to this Government, and then referred to Spain. Spain again refers it to her local authorities in Cuba for investigation, and postpones an answer till she has heard from those authorities. To avoid these irritating and vexatious delays, a proposition has been made to provide for a direct appeal for redress to the Captain-General by our consul in behalf of our injured fellow-citizens. Hitherto the government of Spain has declined to enter into any such arrangement. This course on her part is deeply regretted; for, without some arrangement of this kind, the good understanding between the two countries may be exposed to occasional interruption. Our Minister at Madrid is instructed to renew the proposition, and to press it again upon the consideration of Her Catholic Majesty's government.

For several years Spain has been calling the attention of this Government to a claim for losses, by some of her subjects, in the case of the schooner *Amistad*. This claim is believed to rest on the obligations imposed by our existing treaty with that country. Its justice was admitted, in our diplomatic correspondence with the Spanish government, as early as March, 1847; and one of my predecessors, in his annual message of that year, recom-

mended that provision should be made for its payment. In January last it was again submitted to Congress by the Executive. It has received a favorable consideration by committees of both branches, but as yet there has been no final action upon it. I conceive that good faith requires its prompt adjustment, and I present it to your early and favorable consideration.

Martin Koszta, a Hungarian by birth, came to this country in 1850, and declared his intention, in due form of law, to become a citizen of the United States. After remaining here nearly two years, he visited Turkey. While at Smyrna, he was forcibly seized, taken on board an Austrian brig of war, then lying in the harbor at that place, and there confined in irons, with the avowed design to take him into the dominions of Austria. Our consul at Smyrna and legation at Constantinople interposed for his release, but their efforts were ineffectual. While thus imprisoned, Commander Ingraham, with the United States ship of war *St. Louis*, arrived at Smyrna, and, after inquiring into the circumstances of the case, came to the conclusion that Koszta was entitled to the protection of this Government, and took energetic and prompt measures for his release. Under an arrangement between the agents of the United States and of Austria, he was transferred to the custody of the French consul-general at Smyrna, there to remain until he should be disposed of by the mutual agreement of the consuls of the respective governments at that place. Pursuant to that agreement he has been released, and is now in the United States. The emperor of Austria has made the conduct of our officers who took part in this transaction a subject of grave complaint. Regarding Koszta as still his subject, and claiming a right to seize him within the limits of the Turkish empire, he has demanded of this Government its consent to the surrender of the prisoner, a disavowal of the acts of its agents, and satisfaction for the alleged outrage. After a careful consideration of the case, I came to the conclusion that Koszta was seized without legal authority at Smyrna; that he was wrongfully detained on board of the Austrian brig of war; that, at the time of his seizure, he was clothed with the nationality of the United States; and that the acts of our officers, under the circumstances of the case, were justifiable, and their con-

duct has been fully approved by me, and a compliance with the several demands of the emperor of Austria has been declined.

For a more full account of this transaction and my views in regard to it, I refer to the correspondence between the Charge d'Affaires of Austria and the Secretary of State, which is herewith transmitted. The principles and policy therein maintained on the part of the United States will, whenever a proper occasion occurs, be applied and enforced.

The condition of China at this time renders it probable that some important changes will occur in that vast empire, which will lead to a more unrestricted intercourse with it. The commissioner to that country, who has been recently appointed, is instructed to avail himself of all occasions to open and extend our commercial relations, not only with the empire of China, but with other Asiatic nations.

In 1852 an expedition was sent to Japan, under the command of Commodore Perry, for the purpose of opening commercial intercourse with that empire. Intelligence has been received of his arrival there, and of his having made known to the emperor of Japan the object of his visit; but it is not yet ascertained how far the emperor will be disposed to abandon his restrictive policy, and open that populous country to a commercial intercourse with the United States.

It has been my earnest desire to maintain friendly intercourse with the governments upon this continent, and to aid them in preserving good understanding among themselves. With Mexico, a dispute has arisen as to the true boundary-line between our territory of New Mexico and the Mexican State of Chihuahua. A former commissioner of the United States, employed in running that line pursuant to the treaty of Guadalupe-Hidalgo, made a serious mistake in determining the initial point on the Rio Grande; but inasmuch as his decision was clearly a departure from the directions for tracing the boundary contained in that treaty, and was not concurred in by the surveyor appointed on the part of the United States, whose concurrence was necessary to give validity to that decision, this Government is not concluded thereby; but that of Mexico takes a different view of the subject.

There are also other questions of considerable magnitude

pending between the two Republics. Our Minister in Mexico has ample instructions to adjust them. Negotiations have been opened, but sufficient progress has not been made therein to enable me to speak of the probable result. Impressed with the importance of maintaining amicable relations with that Republic, and of yielding with liberality to all her just claims, it is reasonable to expect that an arrangement mutually satisfactory to both countries may be concluded, and a lasting friendship between them confirmed and perpetuated.

Congress having provided for a full mission to the States of Central America, a Minister was sent thither in July last. As yet he has had time to visit only one of these States (Nicaragua), where he was received in the most friendly manner. It is hoped that his presence and good offices will have a benign effect in composing the dissensions which prevail among them, and in establishing still more intimate and friendly relations between them respectively, and between each of them and the United States.

Considering the vast regions of this continent, and the number of States which would be made accessible by the free navigation of the river Amazon, particular attention has been given to this subject. Brazil, through whose territories it passes into the ocean, has hitherto persisted in a policy so restrictive, in regard to the use of this river, as to obstruct, and nearly exclude, foreign commercial intercourse with the States which lie upon its tributaries and upper branches. Our Minister to that country is instructed to obtain a relaxation of that policy, and to use his efforts to induce the Brazilian government to open to common use, under proper safeguards, this great natural highway for international trade. Several of the South American States are deeply interested in this attempt to secure the free navigation of the Amazon, and it is reasonable to expect their co-operation in the measure. As the advantages of free commercial intercourse among nations are better understood, more liberal views are generally entertained as to the common rights of all to the free use of those means which nature has provided for international communication. To these more liberal and enlightened views, it is hoped that Brazil will conform her policy, and remove all unnecessary restrictions.

upon the free use of a river which traverses so many States and so large a part of the continent. I am happy to inform you that the Republic of Paraguay and the Argentine Confederation have yielded to the liberal policy still resisted by Brazil, in regard to the navigable rivers within their respective territories. Treaties embracing this subject among others have been negotiated with these governments, which will be submitted to the Senate at the present session.

A new branch of commerce, important to the agricultural interests of the United States, has, within a few years past, been opened with Peru. Notwithstanding the inexhaustible deposits of guano upon the islands of that country, considerable difficulties are experienced in obtaining the requisite supply. Measures have been taken to remove these difficulties, and to secure a more abundant importation of the article. Unfortunately, there has been a serious collision between our citizens, who have resorted to the Chincha Islands for it, and the Peruvian authorities stationed there. Redress for the outrages committed by the latter was promptly demanded by our Minister to Lima. This subject is now under consideration, and there is reason to believe that Peru is disposed to offer adequate indemnity to the aggrieved parties.

We are thus not only at peace with all foreign countries, but, in regard to political affairs, are exempt from any cause of serious disquietude in our domestic relations.

The controversies which have agitated the country heretofore are passing away with the causes which produced them and the passions which they had awakened; or, if any trace of them remains, it may be reasonably hoped that it will only be perceived in the zealous rivalry of all good citizens to testify their respect for the rights of the States, their devotion to the Union, and their common determination that each one of the States, its institutions, its welfare, and its domestic peace shall be held alike secure under the sacred ægis of the Constitution.

This new league of amity and of mutual confidence and support, into which the people of the Republic have entered, happily affords inducement and opportunity for the adoption of a more comprehensive and unembarrassed line of policy and

action, as to the great material interests of the country, whether regarded in themselves or in connection with the powers of the civilized world.

The United States have continued gradually and steadily to expand, through acquisitions of territory, which, how much soever some of them may have been questioned, are now universally seen and admitted to have been wise in policy, just in character, and a great element in the advancement of our country, and, with it, of the human race, in freedom, in prosperity, and in happiness. The thirteen States have grown to be thirty-one, with relations reaching to Europe on the one side, and on the other to the distant realms of Asia.

I am deeply sensible of the immense responsibility which the present magnitude of the Republic, and the diversity and multiplicity of its interests, devolves upon me; the alleviation of which, so far as relates to the immediate conduct of the public business, is, first, in my reliance on the wisdom and patriotism of the two Houses of Congress; and secondly, in the directions afforded me by the principles of public polity affirmed by our fathers of the epoch of 1798, sanctioned by long experience, and consecrated anew by the overwhelming voice of the people of the United States.

Recurring to these principles, which constitute the organic basis of union, we perceive that, vast as are the functions and the duties of the Federal Government, vested in, or intrusted to, its three great Departments, the Legislative, Executive, and Judicial, yet the substantive power, the popular force, and the large capacities for social and material development exist in the respective States, which, all being of themselves well constituted republics, as they preceded, so they alone are capable of maintaining and perpetuating the American Union. The Federal Government has its appropriate line of action in the specific and limited powers conferred on it by the Constitution, chiefly as to those things in which the States have a common interest in their relations to one another and to foreign governments; while the great mass of interests which belong to cultivated men, the ordinary business of life, the springs of industry, all the diversified personal and domestic affairs of society, rest securely upon the general reserved powers of the people of the

several States. There is the effective democracy of the Nation, and there the vital essence of its being and its greatness.

Of the practical consequences which flow from the nature of the Federal Government, the primary one is the duty of administering with integrity and fidelity the high trust reposed in it by the Constitution, especially in the application of the public funds, as drawn by taxation from the people, and appropriated to specific objects by Congress. Happily, I have no occasion to suggest any radical changes in the financial policy of the Government. Ours is almost, if not absolutely, the solitary power of Christendom having a surplus revenue, drawn immediately from imposts on commerce, and therefore measured by the spontaneous enterprise and national prosperity of the country, with such indirect relation to agriculture, manufactures, and the products of the earth and sea, as to violate no Constitutional doctrine, and yet vigorously promote the general welfare. Neither as to the sources of the public treasure, nor as to the manner of keeping and managing it, does any grave controversy now prevail, there being a general acquiescence in the wisdom of the present system.

The report of the Secretary of the Treasury will exhibit, in detail, the state of the public finances and the condition of the various branches of the public service administered by that Department of the Government.

The revenue of the country, levied almost insensibly to the tax-payer, goes on from year to year increasing beyond either the interests or the prospective wants of the Government.

At the close of the fiscal year ending June 30, 1852, there remained in the Treasury a balance of fourteen million six hundred and thirty-two thousand one hundred and thirty-six dollars. The public revenue for the fiscal year ending June 30, 1853, amounted to fifty-eight million nine hundred and thirty-one thousand eight hundred and sixty-five dollars from customs, and to two million four hundred and five thousand seven hundred and eight dollars from public lands and other miscellaneous sources, amounting together to sixty-one million three hundred and thirty-seven thousand five hundred and seventy-four dollars; while the public expenditures for the same period, exclusive of payments on account of the

public debt, amounted to forty-three million five hundred and fifty-four thousand two hundred and sixty-two dollars; leaving a balance of thirty-two million four hundred and twenty-five thousand four hundred and forty-seven dollars of receipts above expenditures.

This fact, of increasing surplus in the Treasury, became the subject of anxious consideration at a very early period of my Administration, and the path of duty in regard to it seemed to me obvious and clear; namely, first, to apply the surplus revenue to the discharge of the public debt, so far as it could judiciously be done; and, secondly, to devise means for the gradual reduction of the revenue to the standard of the public exigencies.

Of these objects, the first has been in the course of accomplishment, in a manner and to a degree highly satisfactory. The amount of the public debt, of all classes, was, on the 4th of March, 1853, sixty-nine million one hundred and ninety thousand and thirty-seven dollars; payments on account of which have been made, since that period, to the amount of twelve million seven hundred and three thousand three hundred and twenty-nine dollars, leaving unpaid, and in the continuous course of liquidation, the sum of fifty-six million four hundred and eighty-six thousand seven hundred and eight dollars. These payments, although made at the market price of the respective classes of stocks, have been effected readily, and to the general advantage of the Treasury, and have at the same time proved of signal utility in the relief they have incidentally afforded to the money market and to the industrial and commercial pursuits of the country.

The second of the above-mentioned objects, that of the reduction of the tariff, is of great importance, and the plan suggested by the Secretary of the Treasury, which is to reduce the duties on certain articles, and to add to the free-list many articles now taxed, and especially such as enter into manufactures, and are not largely, or at all, produced in the country, is commended to your candid and careful consideration.

You will find in the report of the Secretary of the Treasury, also, abundant proof of the entire adequacy of the present fiscal system to meet all the requirements of the public service, and

that, while properly administered, it operates to the advantage of the community in ordinary business relations.

I respectfully ask your attention to sundry suggestions of improvements in the settlement of accounts, especially as regards the large sums of outstanding arrears due to the Government, and of other reforms in the administrative action of his Department, which are indicated by the Secretary; as also to the progress made in the construction of marine hospitals, custom-houses, and of a new mint in California and assay office in the city of New York, heretofore provided for by Congress; and also to the eminently successful progress of the Coast Survey, and of the Light-house Board.

Among the objects meriting your attention will be important recommendations from the Secretaries of War and Navy. I am fully satisfied that the navy of the United States is not in a condition of strength and efficiency commensurate with the magnitude of our commercial and other interests; and commend to your especial attention the suggestions on this subject made by the Secretary of the Navy. I respectfully submit that the army, which, under our system, must always be regarded with the highest interest, as a nucleus around which the volunteer forces of the Nation gather in the hour of danger, requires augmentation, or modification, to adapt it to the present extended limits and frontier relations of the country, and the condition of the Indian tribes in the interior of the continent; the necessity of which will appear in the communications of the Secretaries of War and the Interior.

In the administration of the Post-office Department for the fiscal year ending June 30, 1853, the gross expenditure was seven million nine hundred and eighty-two thousand seven hundred and fifty-six dollars; and the gross receipts, during the same period, five million nine hundred and forty-two thousand seven hundred and thirty-four dollars; showing that the current revenue failed to meet the current expenses of the Department by the sum of two million forty-two thousand and thirty-two dollars.

The causes which, under the present postal system and laws, led inevitably to this result, are fully explained by the report of the Postmaster-General; one great cause being the

enormous rates the Department has been compelled to pay for mail service rendered by railroad companies.

The exhibit in the report of the Postmaster-General of the income and expenditures by mail-steamers will be found peculiarly interesting, and of a character to demand the immediate action of Congress.

Numerous and flagrant frauds upon the Pension Bureau have been brought to light within the last year, and in some instances, merited punishments inflicted; but, unfortunately, in others, guilty parties have escaped, not through the want of sufficient evidence to warrant a conviction, but in consequence of the provisions of limitation in the existing laws.

From the nature of these claims, the remoteness of the tribunals to pass upon them, and the mode in which the proof is, of necessity, furnished, temptations to crime have been greatly stimulated by the obvious difficulties of detection. The defects in the law upon this subject are so apparent and so fatal to the ends of justice that your early action relating to it is most desirable.

During the last fiscal year, nine million eight hundred and nineteen thousand four hundred and eleven acres of the public lands have been surveyed, and ten million three hundred and sixty-three thousand eight hundred and ninety-one acres brought into market. Within the same period, the sales by public purchase and private entry amounted to one million eighty-three thousand four hundred and ninety-five acres; located under military bounty land-warrants, six million one hundred and forty-two thousand three hundred and sixty acres; located under other certificates, nine thousand four hundred and twenty-seven acres; ceded to the States as swamp-lands, sixteen million six hundred and eighty-four thousand two hundred and fifty-three acres; selected for railroad and other objects, under acts of Congress, one million four hundred and twenty-seven thousand four hundred and fifty-seven acres. Total amount of lands disposed of within the fiscal year, twenty-five million three hundred and forty-six thousand nine hundred and ninety-two acres; which is an increase in quantity sold, and located under land-warrants and grants, of twelve million two hundred and thirty-one thousand eight hundred and eighteen acres over the fiscal

year immediately preceding. The quantity of land sold during the second and third quarters of 1852 was three hundred and thirty-four thousand four hundred and fifty-one acres. The amount received therefor was six hundred and twenty-three thousand six hundred and eighty-seven dollars. The quantity sold the second and third quarters of the year 1853 was one million six hundred and nine thousand nine hundred and nineteen acres; and the amount received therefor two million two hundred and twenty-six thousand eight hundred and seventy-six dollars.

The whole number of land-warrants issued under existing laws, prior to the 30th of September last, was two hundred and sixty-six thousand and forty-two; of which there were outstanding, at that date, sixty-six thousand nine hundred and forty-seven. The quantity of land required to satisfy these outstanding warrants is four million seven hundred and seventy-eight thousand one hundred and twenty acres.

Warrants have been issued to 30th of September last, under the act of 11th February, 1847, calling for twelve million eight hundred and seventy-nine thousand two hundred and eighty acres; under acts of September 28, 1850, and March 22, 1852, calling for twelve million five hundred and five thousand three hundred and sixty acres; making a total of twenty-five million three hundred and eighty-four thousand six hundred and forty acres.

It is believed that experience has verified the wisdom and justice of the present system, with regard to the public domain, in most essential particulars.

You will perceive, from the report of the Secretary of the Interior, that opinions, which have often been expressed in relation to the operation of the land system as not being a source of revenue to the Federal Treasury, were erroneous. The net profits from the sale of the public lands to June 30, 1853, amounted to the sum of fifty-three million two hundred and eighty-nine thousand four hundred and sixty-five dollars.

I recommend the extension of the land system over the Territories of Utah and New Mexico, with such modifications as their peculiarities may require.

Regarding our public domain as chiefly valuable to provide

homes for the industrious and enterprising, I am not prepared to recommend any essential change in the land system, except by modifications in favor of the actual settler, and an extension of the pre-emption principle in certain cases, for reasons and on grounds which will be fully developed in the reports to be laid before you.

Congress, representing the proprietors of the territorial domain, and charged especially with power to dispose of territory belonging to the United States, has, for a long course of years, beginning with the Administration of Mr. Jefferson, exercised the power to construct roads within the Territories; and there are so many and obvious distinctions between this exercise of power and that of making roads within the States, that the former has never been considered subject to such objections as apply to the latter, and such may now be considered the settled construction of the power of the Federal Government upon the subject.

Numerous applications have been, and no doubt will continue to be, made for grants of land in aid of the construction of railways. It is not believed to be within the intent and meaning of the Constitution that the power to dispose of the public domain should be used otherwise than might be expected from a prudent proprietor, and, therefore, that grants of land to aid in the construction of roads should be restricted to cases where it would be for the interest of a proprietor, under like circumstances, thus to contribute to the construction of these works. For the practical operation of such grants thus far, in advancing the interests of the States in which the works are located, and at the same time the substantial interests of all the other States, by enhancing the value and promoting the rapid sale of the public domain, I refer you to the report of the Secretary of the Interior. A careful examination, however, will show that this experience is the result of a just discrimination, and will be far from affording encouragement to a reckless or indiscriminate extension of the principle.

I commend to your favorable consideration the men of genius of our country, who, by their inventions and discoveries in science and art, have contributed largely to the improvements of the age, without, in many instances, securing for themselves

any thing like an adequate reward. For many interesting details upon this subject I refer you to the appropriate reports, and especially urge upon your early attention the apparently slight, but really important, modifications of existing laws therein suggested.

The liberal spirit which has so long marked the action of Congress in relation to the District of Columbia will, I have no doubt, continue to be manifested.

The erection of an asylum for the insane of the District of Columbia, and of the army and navy of the United States, has been somewhat retarded, by the great demand for materials and labor during the past summer; but full preparation for the reception of patients, before the return of another winter, is anticipated; and there is the best reason to believe, from the plan and contemplated arrangements which have been devised, with the large experience furnished within the last few years in relation to the nature and treatment of the disease, that it will prove an asylum indeed to this most helpless and afflicted class of sufferers, and stand as a noble monument of wisdom and mercy.

Under the acts of Congress of August 31, 1852, and of March 3, 1853, designed to secure for the cities of Washington and Georgetown an abundant supply of good and wholesome water, it became my duty to examine the report and plans of the engineer who had charge of the surveys under the act first named. The best, if not the only plan, calculated to secure permanently the object sought, was that which contemplates taking the water from the Great Falls of the Potomac, and consequently I gave to it my approval.

For the progress and present condition of this important work, and for its demands, so far as appropriations are concerned, I refer you to the Report of the Secretary of War.

The present judicial system of the United States has now been in operation for so long a period of time, and has, in its general theory and much of its details, become so familiar to the country, and acquired so entirely the public confidence, that if modified in any respect, it should only be in those particulars which may adapt it to the increased extent, population, and legal business of the United States. In this relation, the

organization of the courts is now confessedly inadequate to the duties to be performed by them; in consequence of which, the States of Florida, Wisconsin, Iowa, Texas, and California, and districts of other States, are in effect excluded from the full benefits of the general system, by the functions of the circuit court being devolved on the district judges in all those States, or parts of States.

The spirit of the Constitution and a due regard to justice require that all the States of the Union should be placed on the same footing in regard to the judicial tribunals. I therefore commend to your consideration this important subject, which, in my judgment, demands the speedy action of Congress. I will present to you, if deemed desirable, a plan, which I am prepared to recommend, for the enlargement and modification of the present judicial system.

The act of Congress establishing the Smithsonian Institution provided that the President of the United States, and other persons therein designated, should constitute an "establishment" by that name, and that the members should hold stated and special meetings for the supervision of the affairs of the Institution. The organization not having taken place, it seemed to me proper that it should be effected without delay. This has been done; and an occasion was thereby presented for inspecting the condition of the Institution, and appreciating its successful progress thus far, and its high promise of great and general usefulness.

I have omitted to ask your favorable consideration for the estimates of works of a local character in twenty-seven of the thirty-one States, amounting to one million seven hundred and fifty-four thousand five hundred dollars, because, independently of the grounds which have so often been urged against the application of the Federal revenue for works of this character, inequality with consequent injustice is inherent in the nature of the proposition, and because the plan has proved entirely inadequate to the accomplishment of the objects sought.

The subject of internal improvements, claiming alike the interest and good-will of all, has, nevertheless, been the basis of much political discussion, and has stood as a deep-graven line of division between statesmen of eminent ability and patriot-

ism. The rule of strict construction of all powers delegated by the States to the General Government has arrayed itself, from time to time, against the rapid progress of expenditures from the National Treasury on works of a local character within the States. Memorable as an epoch in the history of this subject is the message of President Jackson, of the 27th of May, 1830, which met the system of internal improvements in its comparative infancy; but so rapid had been its growth, that the projected appropriations in that year for works of this character had risen to the alarming amount of more than one hundred millions of dollars.

In that message the President admitted the difficulty of bringing back the operations of the Government to the construction of the Constitution set up in 1798, and marked it as an admonitory proof of the necessity of guarding that instrument with sleepless vigilance against the authority of precedents which had not the sanction of its most plainly defined powers.

Our Government exists under a written compact between sovereign States, uniting for specific objects, and with specific grants to their general agent. If, then, in the progress of its administration, there have been departures from the terms and intent of the compact, it is, and will ever be, proper to refer back to the fixed standard which our fathers left us, and to make a stern effort to conform our action to it. It would seem that the fact of a principle having been resisted from the first by many of the wisest and most patriotic men of the Republic, and a policy having provoked constant strife, without arriving at a conclusion which can be regarded as satisfactory to its most earnest advocates, should suggest the inquiry whether there may not be a plan likely to be crowned by happier results. Without perceiving any sound distinction, or intending to assert any principle as opposed to improvements needed for the protection of internal commerce, which does not equally apply to improvements upon the sea-board for the protection of foreign commerce, I submit to you, whether it may not be safely anticipated that, if the policy were once settled against appropriations by the General Government for local improvements for the benefit of commerce, localities requiring expenditures would not, by

modes and means clearly legitimate and proper, raise the fund necessary for such constructions as the safety or other interests of their commerce might require.

If that can be regarded as a system, which, in the experience of more than thirty years, has at no time so commanded the public judgment as to give it the character of a settled policy; which, though it has produced some works of conceded importance, has been attended with an expenditure quite disproportionate to their value, and has resulted in squandering large sums upon objects which have answered no valuable purpose—the interests of all the States require it to be abandoned, unless hopes may be indulged for the future which find no warrant in the past.

With an anxious desire for the completion of the works which are regarded by all good citizens with sincere interest, I have deemed it my duty to ask at your hands a deliberate reconsideration of the question, with a hope that, animated by a desire to promote the permanent and substantial interests of the country, your wisdom may prove equal to the task of devising and maturing a plan, which, applied to this subject, may promise something better than constant strife, the suspension of the powers of local enterprise, the exciting of vain hopes, and the disappointment of cherished expectations.

In expending the appropriations made by the last Congress, several cases have arisen in relation to works for the improvement of harbors, which involve questions as to the right of soil and jurisdiction, and have threatened conflict between the authority of the State and General Governments. The right to construct a breakwater, jetty, or dam, would seem, necessarily, to carry with it the power to protect and preserve such constructions. This can only be effectually done by having jurisdiction over the soil. But no clause of the Constitution is found, on which to rest the claim of the United States to exercise jurisdiction over the soil of a State, except that conferred by the eighth section of the first article of the Constitution. It is, then, submitted, whether in all cases where constructions are to be erected by the General Government, the right of soil should not first be obtained, and legislative provision be made to cover all such cases.

For the progress made in the construction of roads within the Territories, as provided for in the appropriations of the last Congress, I refer you to the report of the Secretary of War.

There is one subject of a domestic nature, which, from its intrinsic importance, and the many interesting questions of future policy which it involves, can not fail to receive your early attention. I allude to the means of communication by which different parts of the wide expanse of our country are to be placed in closer connection for purposes both of defense and commercial intercourse, and more especially such as appertain to the communication of those great divisions of the Union which lie on the opposite sides of the Rocky Mountains.

That the Government has not been unmindful of this heretofore, is apparent from the aid it has afforded, through appropriations for mail facilities and other purposes. But the general subject will now present itself under aspects more imposing and more purely national, by reason of the surveys ordered by Congress, and now in the process of completion, for communication by railway across the continent, and wholly within the limits of the United States.

The power to declare war, to raise and support armies, to provide and maintain a navy, and to call forth the militia to execute the laws, suppress insurrections, and repel invasions, was conferred upon Congress as means to provide for the common defense, and to protect a territory and a population now wide-spread and vastly multiplied. As incidental to and indispensable for the exercise of this power, it must sometimes be necessary to construct military roads and protect harbors of refuge. To appropriations by Congress for such objects no sound objection can be raised. Happily for our country, its peaceful policy and rapidly increasing population impose upon us no urgent necessity for preparation, and leave but few trackless deserts between assailable points and a patriotic people ever ready and generally able to protect them. These necessary links the enterprise and energy of our people are steadily and boldly struggling to supply. All experience affirms that, wherever private enterprise will avail, it is most wise for the General Government to leave to that and individual watchfulness the location and execution of all means of communication.

The surveys before alluded to were designed to ascertain the most practicable and economical route for a railroad from the river Mississippi to the Pacific Ocean. Parties are now in the field making explorations, where previous examinations had not supplied sufficient data, and where there was the best reason to hope the object sought might be found. The means and time being both limited, it is not to be expected that all the accurate knowledge desired will be obtained, but it is hoped that much and important information will be added to the stock previously possessed, and that partial, if not full reports of the surveys ordered will be received in time for transmission to the two Houses of Congress, on or before the first Monday in February next, as required by the act of appropriation. The magnitude of the enterprise contemplated has aroused, and will doubtless continue to excite, a very general interest throughout the country. In its political, its commercial, and its military bearings, it has varied, great, and increasing claims to consideration. The heavy expense, the great delay, and, at times, fatality attending travel by either of the isthmus routes, have demonstrated the advantage which would result from inter-territorial communication by such safe and rapid means as a railroad would supply.

These difficulties, which have been encountered in a period of peace, would be magnified and still further increased in time of war. But whilst the embarrassments already encountered, and others under new contingencies to be anticipated, may serve strikingly to exhibit the importance of such a work, neither these, nor all considerations combined, can have an appreciable value, when weighed against the obligation strictly to adhere to the Constitution, and faithfully to execute the powers it confers. Within this limit and to the extent of the interest of the Government involved, it would seem both expedient and proper, if an economical and practicable route shall be found, to aid, by all Constitutional means, in the construction of a road which will unite, by speedy transit, the populations of the Pacific and Atlantic States. To guard against misconception, it should be remarked that, although the power to construct, or aid in the construction of, a road within the limits of a Territory is not embarrassed by that question of

jurisdiction which would arise within the limits of a State, it is nevertheless held to be of doubtful power, and more than doubtful propriety, even within the limits of a Territory, for the General Government to undertake to administer the affairs of a railroad, a canal, or other similar construction, and therefore that its connection with a work of this character should be incidental rather than primary. I will only add, at present, that, fully appreciating the magnitude of the subject, and solicitous that the Atlantic and Pacific shores of the Republic may be bound together by inseparable ties of common interest, as well as of common fealty and attachment to the Union, I shall be disposed, so far as my own action is concerned, to follow the lights of the Constitution, as expounded and illustrated by those whose opinions and expositions constitute the standard of my political faith in regard to the powers of the Federal Government. It is, I trust, not necessary to say that no grandeur of enterprise, and no present urgent inducement promising popular favor, will lead me to disregard those lights, or to depart from that path which experience has proved to be safe, and which is now radiant with the glow of prosperity and legitimate Constitutional progress. We can afford to wait, but we can not afford to overlook the ark of our security.

It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfill the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the confederacy, and involving the Constitutional rights of the States. But, notwithstanding differences of opinion and sentiment which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens

whose devotion to the Union can never be doubted, has given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured. The wisdom of men who knew what independence cost—who had put all at stake upon the issue of the Revolutionary struggle—disposed of the subject to which I refer in the only way consistent with the union of these States, and with the march of power and prosperity which has made us what we are. It is a significant fact that from the adoption of the Constitution until the officers and soldiers of the Revolution had passed to their graves, or, through the infirmities of age and wounds, had ceased to participate actively in public affairs, there was not merely a quiet acquiescence in, but a prompt vindication of, the Constitutional rights of the States. The reserved powers were scrupulously respected. No statesman put forth the narrow views of casuists to justify interference and agitation; but the spirit of the compact was regarded as sacred in the eye of honor, and indispensable for the great experiment of civil liberty, which, environed by inherent difficulties, was yet borne forward in apparent weakness by a power superior to all obstacles. There is no condemnation which the voice of freedom will not pronounce upon us should we prove faithless to this great trust. While men inhabiting different parts of this vast continent can no more be expected to hold the same opinions, or entertain the same sentiments, than every variety of climate or soil can be expected to furnish the same agricultural products, they can unite in a common object and sustain common principles essential to the maintenance of that object. The gallant men of the South and the North could stand together during the struggle of the Revolution; they could stand together in the more trying period which succeeded the clangor of arms. As their united valor was adequate to all the trials of the camp and dangers of the field, so their united wisdom proved equal to the greater task of founding, upon a deep and broad basis, institutions which it has been our privilege to enjoy, and will ever be our most sacred duty to sustain. It is but the feeble expression of a faith strong and universal to say that their sons, whose

blood mingled so often upon the same field during the War of 1812, and who have more recently borne in triumph the flag of the country upon a foreign soil, will never permit alienation of feeling to weaken the power of their united efforts, nor internal dissensions to paralyze the great arm of freedom, uplifted for the vindication of self-government.

I have thus briefly presented such suggestions as seem to me especially worthy of your consideration. In providing for the present you can hardly fail to avail yourselves of the light which the experience of the past casts upon the future.

The growth of our population has now brought us, in the destined career of our national history, to a point at which it well behooves us to expand our vision over the vast prospective.

The successive decennial returns of the census since the adoption of the Constitution have revealed a law of steady progressive development, which may be stated, in general terms, as a duplication every quarter century. Carried forward from the point already reached, for only a short period of time as applicable to the existence of a nation, this law of progress, if unchecked, will bring us to almost incredible results. A large allowance for a diminished proportional effect of emigration would not very materially reduce the estimate, while the increased average duration of human life, known to have already resulted from the scientific and hygienic improvements of the past fifty years, will tend to keep up through the next fifty, or perhaps hundred, the same ratio of growth which has been thus revealed in our past progress; and to the influence of these causes may be added the influx of laboring masses from Eastern Asia to the Pacific side of our possessions, together with the probable accession of the populations already existing in other parts of our hemisphere, which, within the period in question, will feel, with yearly increasing force, the natural attraction of so vast, powerful, and prosperous a confederation of self-governing republics, and will seek the privilege of being admitted within its safe and happy bosom, transferring with themselves, by a peaceful and healthy process of incorporation, spacious regions of virgin and exuberant soil, which are destined to swarm with the fast-growing and fast-spreading millions of our race.

These considerations seem fully to justify the presumption,

that the law of population above stated will continue to act with undiminished effect, through at least the next half century; and that thousands of persons who have already arrived at maturity, and are now exercising the rights of freemen, will close their eyes on the spectacle of more than one hundred millions of population embraced within the majestic proportions of the American Union.

It is not merely as an interesting topic of speculation that I present these views for your consideration. They have important practical bearings upon all the political duties we are called upon to perform. Heretofore our system of Government has worked on what may be termed a miniature scale, in comparison with the development which it must thus assume within a future so near at hand as scarcely to be beyond the present of the existing generation.

It is evident that a confederation so vast and so varied, both in numbers and in territorial extent, in habits and in interests, could only be kept in national cohesion by the strictest fidelity to the principles of the Constitution, as understood by those who have adhered to the most restricted construction of the powers granted by the people and the States. Interpreted and applied according to those principles, the great compact adapts itself with healthy ease and freedom to an unlimited extension of that benign system of federative self-government, of which it is our glorious and, I trust, immortal charter. Let us, then, with redoubled vigilance, be on our guard against yielding to the temptation of the exercise of doubtful powers, even under the pressure of the motives of conceded temporary advantage and apparent temporary expediency.

The minimum of Federal Government compatible with the maintenance of national unity and efficient action in our relations with the rest of the world should afford the rule and measure of construction of our powers under the general clauses of the Constitution. A spirit of strict deference to the sovereign rights and dignity of every State, rather than a disposition to subordinate the States into a provincial relation to the central authority, should characterize all our exercise of the respective powers temporarily vested in us as a sacred trust from the generous confidence of our constituents.

In like manner, as a manifestly indispensable condition of the perpetuation of the Union, and of the realization of that magnificent national future adverted to, does the duty become yearly stronger and clearer upon us, as citizens of the several States, to cultivate a fraternal and affectionate spirit, language, and conduct in regard to other States, and in relation to the varied interests, institutions, and habits of sentiment and opinion which may respectively characterize them. Mutual forbearance, respect, and non-interference in our personal action as citizens, and an enlarged exercise of the most liberal principles of comity in the public dealings of State with State, whether in legislation or in the execution of laws, are the means to perpetuate that confidence and fraternity, the decay of which a mere political union, on so vast a scale, could not long survive.

In still another point of view, is an important practical duty suggested by this consideration of the magnitude of dimensions, to which our political system, with its corresponding machinery of Government, is so rapidly expanding. With increased vigilance does it require us to cultivate the cardinal virtues of public frugality and official integrity and purity. Public affairs ought to be so conducted that a settled conviction shall pervade the entire Union that nothing short of the highest tone and standard of public morality marks every part of the Administration and legislation of the General Government. Thus will the federal system, whatever expansion time and progress may give it, continue more and more deeply rooted in the love and confidence of the people.

That wise economy, which is as far removed from parsimony as from corrupt and corrupting extravagance; that single regard for the public good, which will frown upon all attempts to approach the treasury with insidious projects of private interest cloaked under public pretexts; that sound fiscal administration, which, in the Legislative Department, guards against the dangerous temptations incident to overflowing revenue, and in the Executive maintains an unsleeping watchfulness against the tendency of all national expenditure to extravagance; while they are admitted elementary political duties, may, I trust, be deemed as properly adverted to and urged, in

view of the more impressive sense of that necessity, which is directly suggested by the considerations now presented.

Since the adjournment of Congress, the Vice-President of the United States has passed from the scenes of earth, without having entered upon the duties of the station to which he had been called by the voice of his countrymen. Having occupied almost continuously, for more than thirty years, a seat in one or the other of the two Houses of Congress, and having, by his singular purity and wisdom, secured unbounded confidence and universal respect, his failing health was watched by the Nation with painful solicitude. His loss to the country, under all the circumstances, has been justly regarded as irreparable.

In compliance with the act of Congress of March 2, 1853, the oath of office was administered to him on the 24th of that month, at Ariadne estate, near Matanzas, in the island of Cuba; but his strength gradually declined, and was hardly sufficient to enable him to return to his home in Alabama, where, on the 18th day of April, in the most calm and peaceful way, his long and eminently useful career was terminated.

Entertaining unlimited confidence in your intelligent and patriotic devotion to the public interest, and being conscious of no motives on my part which are not inseparable from the honor and advancement of my country, I hope it may be my privilege to deserve and secure, not only your cordial co-operation in great public measures, but also those relations of mutual confidence and regard, which it is always so desirable to cultivate between members of co-ordinate branches of the Government.

This well-written message plainly exhibits the progress of events under Pierce's Administration up to the assembling of Congress, and as plainly sets forth his own views and the direction it might be expected he should pursue; with a very emphatic declaration that it could be taken for granted at the outset that he should carry out the principles of the party which elected him, and of the particular line of political teachers under whom he had been educated. This

message takes much of the air of the conqueror, and assumes that the principles of those in whose track he was following were now the long-tried and established standards and rules of the people and Government. The ground for this position was not utopian; and it may be that there was an apology even for a President to exhibit in a general message to the country, some token of pride in the overthrow and complete dissolution of a party. Under what was termed the "Virginia Dynasty" of Democratic Presidents the old Federal party had died out as an organization; and although General Jackson remodeled the Democratic party (the old Republican), and infused a new spirit into it with some strange doctrines, and almost succeeded in giving it his own name, it still lived on, and now with gratification saw its last great opponents, the Whigs, go down.

To a casual looker-on, perhaps, at no time in the history of the Nation had the Democrats stronger motives for rejoicing and taking courage, than at the moment this message was written. The country was at peace, and they were masters, and who could tell that the slumbering fires of a long and fearful strife were so near this peaceful surface? In no uncertain tone does the President refer to the Compromises of 1850, which should be the eternal bond of the Union. While advocating the Pacific Railway enterprise and Territorial improvements, and a certain cautious degree of defensive and other undoubted works of national interest, he reiterates with force the old anti-internal improvement theory of his party; and

announces with great positiveness in the peculiar terms of the Democratic vocabulary the doctrine of a confederacy of sovereign States and State Rights. It was supposed and claimed at this time that the Democratic party had approached nearer its 1798 or old Jefferson or Republican state than at any period after John Quincy Adams so nearly Federalized it, and Andrew Jackson pretty thoroughly Jacksonized it.

Congress soon began the consideration of the subjects of which the message treated, and it was reasonably expected throughout the country that there would be a valuable and satisfactory session. The Pacific Railway was attracting general attention; the outcome of the various foreign expeditions was anxiously looked for; Central American affairs, and other matters of importance were to be settled with England; and it was believed that the treaties in progress would greatly advance American mercantile interests, and that affairs generally would be greatly set forward by this year's work. The great mass of his countrymen joined the President in these expectations.

But an event now occurred in Congress which changed the whole current of things at home, and which stirred out that slumbering subterranean fire of slavery which continued to burn until the Democratic party was not only rent asunder, but for a time rendered powerless and shorn at least of its usual respectability; and the combustible matter itself destroyed, root and branch, in the great War of the Rebellion.

## CHAPTER IX.

CONGRESS—THE “LITTLE GIANT”—THE COMPROMISES  
ABANDONED—HUMAN SLAVERY—KANSAS—NE-  
BRASKA—THE IRRECONCILABLE  
CONFLICT.

ON the 15th of December, A. C. Dodge, of Iowa, introduced a bill before the Senate for the organization of the Territory of Nebraska. After this bill had been twice read, it was referred to the Committee on Territories, of which Stephen A. Douglas was chairman. All the vast territorial region lying west, southwest, and northwest of Missouri and Iowa, and stretching to the Rocky Mountains and British America, was at this time mainly inhabited by Indians; and the necessity of any kind of governmental establishment over any part of it was a matter chiefly, if not wholly, confined to the mind of the restless and ambitious politician. The white men who resided in this wild country were, to a great extent, in the employ of the Government as soldiers, or in the management of its affairs with the Indians, and as followers of these.

On the 4th of January the Territorial Committee made a report, and Mr. Douglas brought in a bill for the organization of the Territory of Nebraska. The introduction of this bill at once threw the country

into a feverish state of excitement, which was greatly augmented by Mr. Douglas bringing forward on the 23d of the same month, as a substitute for his former measure, a bill making provision for the organization of two Territories, Kansas and Nebraska, out of this vast country. This last bill provided for the repeal of the "Missouri Compromise of 1820," but it was strenuously argued by its advocates that it should not affect, and was not designed to affect, in the least, the Compromises of 1850.

It may now be observed that in the winter of 1852, during the last session of Congress under Mr. Fillmore, a bill was introduced looking to the organization of Nebraska, and among its most earnest supporters was Stephen A. Douglas. But the question of the slave line in the "Missouri Compromise" was not suggested by this event. Nor was it intimated then that that Compromise was not in full force.

In 1845, on the annexation of Texas, the question was brought up, but the line of  $36^{\circ} 30'$  was adopted. In 1848 some of the friends of slavery in Congress favored opening New Mexico, California, and even Utah, to the chances of all territory south of  $36^{\circ} 30'$ . In 1850, on the application of California for admission as a State with an anti-slavery constitution, some Southern Congressmen, especially at the outset, took the position that this would lead to a dissolution of the Union, as a part of the territory of that State lay south of  $36^{\circ} 30'$ , the slave line; some of them proposed to strike from the proposed State of California all that part of its territory lying

south of that line, which could subsequently be erected into a Slave State, as the people might desire; and Mr. Jefferson Davis declared that he would submit to nothing less than the extension of the "Missouri Compromise" line to the Pacific Ocean. Mr. Douglas at this time favored the organization of New Mexico and Utah on a basis of giving the people in them an opportunity of deciding about slavery for themselves.

The fact is, however, plain enough that a very considerable number of Northern men, not of the extreme class even, never did consider themselves bound either by the Compromises of 1820 or 1850, and were continually watching for an opportunity to avoid or circumvent them. It is equally patent, too, that a large, restless class of Southern leaders and agitators was ever on the lookout for events to turn in their favor in enlarging slavery territory.

It was argued in 1850 by the opponents of slavery that the compromise line of 1820 only extended to the territory ceded to the United States by France in 1803, in the Louisiana purchase. And although this opinion was in keeping with the language of the Act of 1820, it savored to a certain extent of political chicanery, as in 1845 the line was extended as Texas chose to adopt it. It had come to be pretty well understood that the principle applied to all the territory of the United States west of Missouri, and the extent of that territory had never been well defined until after the Mexican War. Besides this, it had been claimed by Americans (perhaps statesmen) both North and South, in all controversies with Eng-

land on the north-western boundary that, by the Louisiana purchase, and for other more or less feasible and valid reasons, the possessions of this Government touched the Pacific Ocean. And no one can believe to-day that, had the greater part of California lain south of  $36^{\circ} 30'$ , and she had called for admission with a slave constitution, Mr. Chase, Mr. Seward, and other leaders of the restrictive policy would not have presented the same argument, that the act was in opposition to the "Compromise of 1820." But the "Missouri Compromise" only provided that territory south of a certain line should be slave or free as the people in it should choose. On the north side it was to be forever free, and the will of the settlers was not to be considered. The admission of California, all free, was not, therefore, an infringement of the compact of 1820 between slavery and freedom. It was clearly shown at this time, however, that the Southern leaders—many of them at least—were determined to act upon the supposition that the "Missouri Compromise" had really provided or ordained that all territory south of  $36^{\circ} 30'$  should be slave. This pretension was exhibited by their asking that that portion of California lying south of that line should not be included in the boundary of the new State. They finally, to some extent, abandoned the useless and unnecessary point, adhered to the "Compromise of 1820," and were compensated for the loss of nothing in California, in other features of the "Omnibus Bill" of 1850. But at no time yet had political parties or leaders publicly held that the

“Compromises of 1850” superseded, or, notwithstanding the provisions made for New Mexico and Utah, annulled that of 1820. Nor was there much said about the Constitutionality of the Measures of 1850 except by the Abolitionists. The South was not concerned on that point; nor was the Democratic party in the North. It was well understood that the Compromises of 1850 were compromises of the Constitution, and as such were a compact between the North and the South, as free and slave sections. In the political contest of 1852 both parties firmly planted themselves on these Compromises, and it was not breathed anywhere that they either affected the slave line of 1820, or were unconstitutional.

Nor did Mr. Douglas, in his Nebraska Bill of the 4th of January, 1854, start the question of the “Compromise of 1820.” In the next two weeks, however, a new and dangerous step was decided upon, and his substitute, the Kansas-Nebraska Bill, brought forward on the 23d, which, while adhering to the Measures of 1850, made provision for the repeal of the slave line of 1820; and now startled the country for the first time in declaring that the “Missouri Compromise” had been superseded by the Congressional legislation (the Compromise Measures) of 1850, and was, therefore, inoperative and void. Here the South made the first step in the series of events leading directly on to the destruction of the institution it cherished. The restrictive line of  $36^{\circ} 30'$ , in 1820 called the “Missouri Compromise,” but which was only a part of the compromise legislation which

led to the admission of Missouri in 1821, was mainly the result of the votes and support of Southern Representatives in Congress, and was virtually a Southern measure. (See fifth volume of this work.) The South adhered to this compromise as its surest road to safety, and supported the Measures of 1850 as additional grounds of security. The Compromises of 1850 had originated with and were supported and carried by the South; and both the Southern leaders and their Democratic partisans in the North had firmly held, and constantly declared that the question of slavery should quietly rest on the Constitutional Compromises. They now proposed by their own act to repeal the "Missouri Compromise" on which slavery had slumbered in comparative security for thirty-four years, and open the whole question and struggle between their unpopular and unpalatable institution and the great, expansive, growing, and worshipful principles of human freedom. This was an oversight springing out of the desire for territorial expansion and equilibrium. The Constitution had provided for the suppression of the African slave-trade; the Ordinance of 1787 had further limited the growth and advance of slavery; the "Compromise of 1820" had again narrowed its outlook; a part of the territory south of  $36^{\circ} 30'$  had been snatched from it in 1850, and the Fugitive Slave Law had been the only pleasing compensation. The part the South took in all these measures has been shown in the proper places, and it now remains to be seen how far the Southern leaders and their Democratic friends of the North

were responsible by their acts and their votes in the repeal of the "Missouri Compromise" (their own act) and the passage of the Kansas-Nebraska Bill, and, therefore, for opening the great slavery struggle. In the report of the bill on the 4th of January, Mr. Douglas said :—

"The principal amendments which your committee deem it their duty to commend to the favorable action of the Senate, in a special report, are those in which the principles established by the Compromise Measures of 1850, so far as they are applicable to territorial organizations, are proposed to be affirmed, and carried into practical operation within the limits of the new Territory. . . .

"With a view of conforming their action to what they regard as the settled policy of the Government, sanctioned by the approving voice of the American people, your committee have deemed it their duty to incorporate and perpetuate, in their Territorial Bill, the principles and spirit of those measures. If any other consideration were necessary to render the propriety of this course imperative upon the committee, they may be found in the fact that the Nebraska country occupies the same relative position to the slavery question as did New Mexico and Utah when those Territories were organized.

"It was a disputed point whether slavery was prohibited by law in the country acquired from Mexico. On the one hand, it was contended, as a legal proposition, that slavery having been prohibited by the enactments of Mexico, according to the laws of nations we received the country with all its local laws and domestic institutions attached to the soil, so far as they did not conflict with the Constitution of the United States; and that a law either protecting or prohibiting slavery was not repugnant to that instrument, as was evidenced by the fact that one-half of

the States of the Union tolerated, while the other half prohibited, the institution of slavery. On the other hand, it was insisted that, by virtue of the Constitution of the United States, every citizen had a right to remove to any Territory of the Union, and carry his property with him under the protection of law, whether that property consisted of persons or things. The difficulties arising from this diversity of opinion were greatly aggravated by the fact that there were many persons on both sides of the legal controversy who were unwilling to abide the decision of the courts on the legal matters in dispute; thus, among those who claimed that the Mexican laws were still in force, and, consequently, that slavery was already prohibited in those Territories by valid enactments, there were many who insisted upon Congress making the matter certain by enacting another prohibition. In like manner, some of those who argued that Mexican law had ceased to have any binding force, and that the Constitution tolerated and protected slave property in those Territories, were unwilling to trust the decision of the courts upon the point, and insisted that Congress should, by direct enactment, remove all legal obstacles to the introduction of slaves into those Territories. . . .

"Your committee deem it fortunate for the peace of the country and the security of the Union, that the controversy then resulted in the adoption of the Compromise Measures, which the two great political parties, with singular unanimity, have affirmed as a cardinal article of their faith, and proclaimed to the world as a final settlement of the controversy and an end of the agitation. A due respect, therefore, for the avowed opinions of Senators, as well as a proper sense of patriotic duty, enjoins upon your committee the propriety and necessity of a strict adherence to the principles, and even a literal adoption of the enactments of that adjustment, in all their Territorial Bills, so far as the same are not locally inapplicable. These enact-

ments embrace, among other things less material to the matters under consideration, the following provisions:

“When admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission.

“That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly.

“That the legislative power of said Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.”

In this report accompanying the bill Mr. Douglas also said:—

“From these provisions it is apparent that the Compromise Measures of 1850 affirm and rest upon the following propositions:

“*First.* That all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, by their appropriate representatives, to be chosen by them for that purpose.

“*Second.* That ‘all cases involving title to slaves,’ and ‘questions of personal freedom,’ are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

“*Third.* That the provision of the Constitution of the United States, in respect to fugitives from service, is to be carried into faithful execution in all ‘the organized Territories’ the same as in the States.

"The substitute for the bill which your committee have prepared, and which is commended to the favorable action of the Senate, proposes to carry these propositions and principles into practical operation, in the precise language of the Compromise Measures of 1850."

The bill was now under discussion almost daily. On the 16th of January Archibald Dixon, a Kentucky Whig, gave notice of his design to introduce the following as an amendment:—

"That so much of the eighth section of an act approved March 6, 1820, entitled, 'An Act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' as declares 'that in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, slavery and involuntary servitude, otherwise than as a punishment of crimes whereof the parties shall have been duly convicted, shall be forever prohibited,' shall not be so construed as to apply to the Territory contemplated by this act, or to any other Territory of the United States; but that the citizens of the several States or Territories shall be at liberty to take and hold their slaves within any of the Territories of the United States or of the States to be formed therefrom, as if the said act, entitled as aforesaid, and approved as aforesaid, had never been passed."

Mr. Chase, of Ohio, made an effort, in which he failed by a vote of thirteen to thirty, to have struck out of the bill the statement that the Missouri Compromise restriction of slavery "was superseded by the principles of the legislation of 1850, commonly called

the Compromise Measures." In the meantime Mr. Douglas had taken up with Mr. Dixon's proposition as to the "Missouri Compromise," or the slave line, and on the 15th of February proposed himself that the motion of Mr. Chase be complied with, and the words here cited struck out; and the following substituted :—

" Which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850 (commonly called the Compromise Measures), is hereby declared inoperative and void ; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Mr. Douglas's amendment was then considered, and passed by a vote of thirty-five to ten. The only Southern Senator who voted against this amendment was Sam Houston, of Texas, a man who was seldom entirely reliable in a slavery contest.

On the 2d of March Mr. Chase proposed that the fourteenth section of the bill should be amended by the addition of these words: "Under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein." This motion was defeated in a vote of ten to thirty-six, the ten yeas being all from Free-State Senators.

Mr. Badger, of North Carolina, moved that the

following addition be made to the fourteenth section, which was carried:—

*"Provided,* That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Mr. Clayton, of Delaware, moved to strike out that part of Mr. Douglas's amendment which gave the right to vote to European emigrants not naturalized. This motion was agreed to by a vote of twenty-three to twenty-one.

In the course of the long contest over the Kansas-Nebraska Bill, Mr. Seward made one of the most able and remarkable of all his speeches, setting forth with great clearness and calmness the views of the minority in the Senate.

But all argument was useless so far as the passage of the bill was concerned, and had been from the outset. It served, however, to excite and intensify public feeling throughout the country. In the organization of the new Territories there was nothing, perhaps, to attract unusual concern; but this step could not be taken without introducing the subject of equilibrium of representation between the sections, and that meant simply between slavery and its interests, and freedom and its interests. Whatever the Whigs had done before on the Northern side, and however slow they had been to recognize the binding force of the Missouri Compromises of 1820 and 1821,

they had the best grounds on which to assail the Democrats for the course they were now taking, and they made use of their opportunity; but not always with the utmost success. The head and front of the Democracy in Congress at this time was Stephen A. Douglas, and in this great contest of words his opponents learned the extent of his power, if they never knew it before. While his style and spirit were throughout those of the mere politician, he exhibited great skill in assailing all the opponents of his bill, and often showed that he was engaged on a work in which he was their master.

While Mr. Douglas accused his opponents and history of an egregious error in reference to the "Missouri Compromise," he did not wholly relieve the case himself, besides beclouding the truth with the freedom of a stump-speaker in other respects. Mr. Douglas starts out by declaring that it was the purpose of the friends of the measure to accomplish their design quietly, if possible, without bringing up the question of the "Compromise of 1820," which they intended to kill. But Mr. Dixon, a Whig, who desired the repeal of the line of  $36^{\circ} 30'$ , wanted it done in so many manly words. This sort of tactics had, to some extent, been employed in 1850, as to New Mexico and Utah, and Mr. Douglas now commits a great historic mistake in saying that there was no compact, no compromise, nothing but an ordinary act of legislation in the so-called "Compromise of 1820" establishing the slave line of  $36^{\circ} 30'$ . It was but unmitigated demagogism to say that no such

distinction as North and South would be acknowledged or recognized in compact. This distinction began before the Revolution, and even in the midst of the war it came near disorganizing the army, and only since the Rebellion and the downfall of slavery have these sections begun to disappear.

In March, 1818, Missouri applied for permission to organize a State government, but no action was then taken. In February, 1819, the question again came up, when James Tallmadge, of New York, offered an amendment to the bill for organizing that State prohibiting involuntary slavery. But after a considerable struggle the two Houses disagreed on the bill on the ground of non-concurrence in Mr. Tallmadge's amendment, and it was lost for the session.

At the beginning of the session in December, 1819, Mr. Scott, the delegate, from Missouri, moved that the House again take up the memorials from his Territory. On December 14th, Mr. Taylor, of New York, moved the appointment of a committee to report a bill against the extension of slavery into the Territories of the United States. This was never acted upon in the House. The Senate then took up the matter, and in February, 1820, sent a bill to the House for the admission of Maine as a State, and an appendage to it providing for Missouri to form a State government without any restriction as to slavery. The House passed the part of the bill relating to Maine, but rejected the Missouri rider, or slavery complement.

This was sent back to the Senate, and the Missouri rider restored, the restriction features having been defeated in the Senate.

On the 19th of February, 1820, Mr. Thomas, of Illinois, who belonged to the anti-restriction or slavery party proposed an amendment providing that Missouri should form a State government without slavery restriction, but that slavery should be forever excluded from the territory of the United States north of  $36^{\circ} 30'$ , the southern boundary of the greater part of that State. This was passed by a large majority, there being but two Northern and eight Southern votes against it. The House by a strong vote at first disagreed, and finally returned the bill to the Senate. This body would not recede, and sent the bill to the House, and the House in turn sent it back to the Senate. Mr. Trimble, of Ohio, now moved the exclusion of slavery from Arkansas, but without effect.

The Senate then called for a joint conference, and this was composed of men favorable to the admission of Missouri with slavery. This committee reported in favor of separating the bill for the admission of Maine on the part of the Senate, that the House should abandon the restriction of Missouri as to slavery, and that Thomas's line of  $36^{\circ} 30'$  should be adopted, excluding slavery forever from territory on the north side of it. Upon this arrangement the bill was passed. This was the compromise. The extreme men of the North seemed to fall in with this arrangement with little warmth, but it

appeared to be the only ground of adjustment, and the moderate restrictionists and the moderate in the pro-slavery party favored it. It was simply an exchange of Missouri with slavery for the line of 36½ degrees in the territory west of that State, where it was thought there would be no need of strife over this question. This was the "Missouri Compromise of 1820."

When Congress again assembled in the fall of 1820, Missouri presented her constitution, but this had two objectionable features in it which the Northern restrictionists regarded as especially designed to be offensive to them, and this was taken as an excuse for their breaking their pledge as to the admission of Missouri, and they resisted. Mr. Clay now having resigned the Speakership, and for a short time taken his seat in the House, came forward and "compromised" the resistance to the admission of Missouri by a resolution from a joint committee of his own selection, and of which he was chairman, requiring the State to pledge herself to pass no act that should exclude persons regarded as citizens from other States enjoying the privileges of such in Missouri; that is, virtually repealing the clauses that were regarded as offensive in its constitution. This was the final result of the Compromise of 1820, and Missouri was admitted to the Union by proclamation of the President in August, 1821. But, of course, Mr. Clay's resolution was not a new provision, and Missouri did come into the Union on the conditions provided in the act of 1820, she being required

to change an objectionable feature of her organic law which had not been provided for in the enabling act of 1820. While the good faith of the Northern opponents of slavery was severely tested, and suffered somewhat in the test, they had some good ground of complaint, and the sweeping denunciation of perfidy against them by Mr. Douglas was no more just than it was ill-suited to the courtesy and dignity of deportment due to the body of which he was a member. Still the whole of Mr. Douglas's performance raised him greatly in the esteem of the urbane and sedate Mr. Seward, and then it must be taken into account that Douglas had much at that time to excite and fret him.

While in point of fact Missouri was not admitted until after the reception by the State of Mr. Clay's resolution as adopted by Congress, this point was a mere quibble, as this was but the last step in the legislation of 1820 assumed to be necessary from the aggravating features of her constitution.

The Kansas-Nebraska Bill now came up for final action in the Senate on the 7th of March, and was passed by thirty-seven yeas to fourteen nays. The negative votes were Bell (Whig), of Tennessee; Houston (Democrat), of Texas; Chase, of Ohio; Dodge, of Wisconsin; Fessenden, of Maine; Fish, of New York; Foot, of Vermont; Hamlin, of Maine; James, of Rhode Island; Seward, of New York; Smith, of Connecticut; Sumner, of Massachusetts; Wade, of Ohio; and Walker, of Wisconsin. Chase and Sumner were then called Independent Democrats. Six of the fourteen were Free-State Whigs. The others

were Democrats, except John Bell. Of the thirty-seven affirmative voters, fourteen were Free-State Democrats; the other twenty-three were from the Slave States, fourteen of them Democrats, and nine Whigs. Five Senators of each party did not vote.

The bill now went to the House, where, on the 22d of December, John G. Miller, of Missouri, had introduced a bill for the organization of Nebraska. Two days subsequently J. R. Giddings, of Ohio, had given notice of another bill for the same purpose. On the 31st of January Mr. Richardson, of Illinois, had reported a bill from the Committee on Territories for the organization of Kansas and Nebraska. This bill was substantially as the last from Mr. Douglas, and was without a report. William H. English, of Indiana, of the same committee, made a minority report, in which he proposed an amendment to the Richardson Bill, fixing the western boundary of Kansas on the top of the Rocky Mountains, and striking out a part of the fourteenth and thirty-fourth sections, and substituting the following:—

*“Provided,* That nothing in the act shall be so construed as to prevent the people of said Territory, through the properly constituted legislative authority, from passing such laws, in relation to the institution of slavery, as they may deem best adapted to their locality, and most conducive to their happiness and welfare; and so much of any existing Act of Congress as may conflict with the above right of the people to regulate their domestic institutions in their own way, be, and the same is hereby, repealed.”

But this was not adopted.

A general debate, often marked by much bitterness, now continued for some days, one of the sittings of the House lasting thirty-six hours without adjournment. After much artful maneuvering ("filibustering") further discussion was cut off, and on the 22d of May the matter was brought to a final vote, Mr. Richardson having succeeded on the same day in having the Senate bill without the Clayton amendment as to naturalized citizens, substituted for the House bill. This vote stood one hundred and thirteen for and one hundred against the measure, with nine from Free States and twelve from Slave States absent or not voting. Of these twenty-one absentees, eight were Whigs, four Northern, and four Southern, one of whom was the Speaker, Linn Boyd. Of the one hundred and thirteen yeas, forty-four were Northern Democrats, and sixty-nine were from the Slave States, twelve of them being Whigs. Of the one hundred negative voters, ninety-one were from the Free States, forty-four Whigs, forty-three Democrats, and four Free-soilers; and nine from Slave States, seven Whigs, and two Democrats. One of these two Democrats was the veteran Thomas Hart Benton, of Missouri, who was now for the first time and last time a member of the House, who had left the Senate in 1850.

Among the Northern men who supported this bill in the House who subsequently became distinguished or famous, were J. Clancy Jones and Kendrick B. Wright, of Pennsylvania; James H. Lane, Thomas A. Hendricks, and Wm. H. English, of Indiana; and

in the Slave States, P. S. Brooks, of South Carolina; Alexander H. Stephens, of Georgia; R. W. Cobb, of Alabama; John C. Breckinridge, of Kentucky; and William M. Tweed, of New York. Among the opponents of the measure were N. P. Banks, Reuben E. Fenton, Solomon G. Haven (law partner of Millard Fillmore), Galusha A. Grow, John McCulloch, Joshua R. Giddings, John Scott Harrison, Elihu B. Washburne, John Wentworth, and Richard Yates.

The bill was now sent to the Senate, where as a new bill it was referred to the "Committee of the Whole." There Mr. Pearce, of Maryland, moved to strike out the amendment extending the right of suffrage to "those who shall have declared on oath their intention to become such (citizens), and shall have taken an oath to support the Constitution of the United States, and the provisions of this act." This was the House substitute for the Clayton amendment in the Senate bill. But the Senate now refused to recede from the House amendment of its own act, and on the morning of the 26th of May, that is, in the night of the 25th, the bill was passed by a vote of thirty-five to thirteen. Clayton, of Delaware, and Bell, of Tennessee, voted with the champions of the opposition from the North.

## CHAPTER X.

KANSAS-NEBRASKA ACT—CENTRAL AMERICA—ENGLAND AGAIN—FILIBUSTERING.

THUS ended one of the most bitter contests ever waged in the Congress of the United States. The following is the text of the famous

### KANSAS AND NEBRASKA ACT OF 1854.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this Act, to wit: Beginning at a point on the Missouri River where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the Territory of Minnesota; thence southward on said boundary to the Missouri River; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission *Provided*, That nothing in this Act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United

States: *Provided, further,* That nothing in this Act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the Territorial limits or jurisdiction of any State or Territory; but all such Territory shall be excepted out of the boundaries, and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Nebraska, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this Act had never passed.

SEC. 2. That the executive power and authority in and over said Territory of Nebraska shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory, and shall be commander-in-chief of the militia thereof. He may grant pardons and respites for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. That there shall be a secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July

in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, to be deposited in the libraries of Congress; and, in case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall be, and he is hereby, duly authorized and required to execute and perform all the powers and duties of the governor during such vacancy or absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. That the legislative power and authority of said Territory shall be vested in the governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters, as herein-after prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of Representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty-nine; an apportionment shall be made as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving each section of the Territory representation in the ratio of its qualified voters as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties, for which they may be elected respectively. Previous to the first election, the governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as the governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such times and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the governor shall appoint and direct; and he shall at the same time declare the

number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this Act. The persons having the highest number of legal votes in each of said Council districts for members of the Council, shall be declared by the governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives, shall be declared by the governor to be duly elected members of said House: *Provided*, That, in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

SEC. 5. That every free white male inhabitant, above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided, further*, That no officer, soldier, seaman, or marine, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be

allowed to vote or hold office in said Territory, by reason of being on service therein.

SEC. 6. That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this Act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of said Territory, shall, before it becomes a law, be presented to the governor of the Territory. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, to be entered on the journal of each House respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly, by adjournment, prevent its return, in which case it shall not be a law.

SEC. 7. That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and Legislative Assembly of the Territory of Nebraska. The governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly; and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

SEC. 8. That no member of the Legislative Assembly shall hold, or be appointed to any office which may have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

SEC. 9. That the judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and in justices of the peace. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a District Court shall be held in each of said districts by one of the justices of the Supreme Court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the district which is assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the Probate Courts and of justices of the peace, shall be limited by law: *Provided*, That justices of the peace shall not have jurisdiction of the matter in controversy when the title or boundaries of lands may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said Supreme and District Courts, respectively, shall possess chancery as well as common law jurisdiction. Each District Court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said District Courts to the Supreme Court, under such regulations as may be prescribed by law; but in no case removed to the Supreme Court shall trial by jury be allowed by said court. The

Supreme Court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decision of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the Circuit Courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said Supreme Court, without regard to the value of the matter, property, or title in controversy; and except also that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decisions of the said Supreme Court created by this act, or of any judge thereof, or of the District Courts created by this Act, or of any judge thereof, upon any writ of *habeas corpus*, involving the question of personal freedom: *Provided*, That nothing herein contained shall be construed to apply to or affect provisions of the "Act respecting fugitives from justice, and persons escaping from the service of their masters" (approved February 12, 1793), and the "Act to amend and supplementary to the aforesaid Act" (approved September 18, 1850); and each of the said District Courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the Circuit and District Courts of the United States; and the said Supreme and District Courts of the said Territory, and the respective judges thereof, shall and may grant writs of *habeas corpus* in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeal in all such cases shall be made to the Supreme Court of said Territory, the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the District Courts of Utah Territory now receive for similar services.

SEC. 10. That the provisions of an Act entitled "an Act respecting fugitives from justice, and persons escaping from the service of their masters" (approved February 12, 1793), and the provisions of the Act entitled "an Act to amend, and supplementary to the aforesaid Act" (approved September 18, 1850), be, and the same are here hereby, declared to extend to and be in full force within the limits of said Territory of Nebraska.

SEC. 11. That there shall be appointed an attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Utah. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as Circuit and District Courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the marshal of the District Court of the United States for the present Territory of Utah, and shall, in addition, be paid two hundred dollars annually, as a compensation for extra services.

SEC. 12. That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary, to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation before the district judge or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the

chief justice, and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterward the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of two thousand five hundred dollars. The chief justice and associate justices shall receive an annual salary of two thousand dollars. The secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route; and an additional allowance of three dollars shall be paid to the presiding officer of each House for each day he shall so preside. And a chief clerk, one assistant clerk, a sergeant-at-arms, and door-keeper may be chosen for each House; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the Legislative Assembly; but no other officer shall be paid by the United States: *Provided*, That there shall be but one session of the Legislature annually, unless, on an extraordinary occasion, the governor shall think proper to call the Legislature together. There shall be appropriated, annually, the usual sum, to be expended by the governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the Executive Department; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses

of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the governor and secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the Acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

SEC. 13. That the Legislative Assembly of the Territory of Nebraska shall hold its first session at such time and place in said Territory as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said governor and Legislative Assembly.

SEC. 14. That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives; but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner as the governor shall appoint and direct; and at all subsequent elections the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission

of Missouri into the Union (approved March 6, 1820), which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of March 6, 1820, either protecting, establishing, prohibiting, or abolishing slavery..

SEC. 15. That there shall hereafter be appropriated, as has been customary for the Territorial governments, a sufficient amount, to be expended under the direction of the said governor of the Territory of Nebraska, not exceeding the sums heretofore appropriated for similar objects, for the erection of suitable public buildings at the seat of government, and for the purchase of a library, to be kept at the seat of government, for the use of the governor, Legislative Assembly, judges of the Supreme Court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 16. That when the lands in said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six, in each township in said Territory, shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 17. That, until otherwise provided by law, the governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation, to be issued by him; but the Legislative Assembly, at their first or

any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 18. That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Nebraska, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give security for moneys that may be intrusted with them for disbursements, shall give security, at such time and place, and in such manner as the Secretary of the Treasury may prescribe.

SEC. 19. That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this Act, to wit: Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or with or without slavery, as the constitution may prescribe at the time of their admission: *Provided*, That nothing in this Act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided, further*, That nothing in this Act contained shall be so construed as to impair the rights of persons or property now pertaining to the Indians in said Territory so long as such

rights shall remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Kansas, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this Act had never passed.

[With the single exception of the location of the seat of government for Kansas at Fort Leavenworth, provided for in section, 31, the ensuing sixteen sections, relative to the organization and government of the Territory, are precisely similar to the sections already recited, providing for the government of Nebraska Territory. The final section of the Act, which has a general reference to both Territories, is as follows:]

SEC. 37. *And be it further enacted*, That all treaties, laws, and other engagements made by the Government of the United States with the Indian tribes inhabiting the Territories embraced within this Act, shall be faithfully and rigidly observed, notwithstanding any thing contained in this Act; and that the existing agencies and superintendencies of said Indians be continued, with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the location of the office of superintendent.

This bill received the signature of the President on the last day of May, and became a law.

Although the Kansas-Nebraska Act was the most important event of this Administration, there were other things which demand some attention during this long session of Congress. The interpretation Mr. Clayton had placed upon the Clayton-Bulwer

Treaty of 1850 in his recent defense of it in the Senate was not met favorably on the British side; Mr. J. D. Harding, the Queen's Advocate, excepting to Mr. Clayton's view that by that treaty Great Britain abandoned all dominion in Central America, and that by the Treaty of 1850, with this country, England was prohibited from protecting by arms any Central American State, no matter what kind of relation she had previously held to that country. The British protectorate over Belize was too old to be abandoned so readily, and she now, perhaps never, meditated for a moment relinquishing the right to afford her protection where she pleased. Both governments were now concerned in the subject of a short route to the Pacific Ocean across this narrow part of the continent, and each was jealous of any advances made by the other. The Caribbean coast of Nicaragua was called the "Mosquito Shore," and had until recently been inhabited mainly by a race of lazy and degraded Indians. The Mosquito Indian King claimed a title to this country independent of Nicaragua, and this claim Great Britain supported, while the United States strenuously denied it. At the beginning of this Administration Solon Borland, of Arkansas, was sent as Minister to Central America, and, while on his search for a capital, fell into the hands of "thieves and robbers" at San Juan del Norte, at the mouth of the San Juan River, in the south-east of this "Mosquito coast."

Early in the spring of 1853 a few white men of different nationalities but similar characters, partly

through the patronage of the British Consul, organized a government for San Juan del Norte, or Greytown, as they termed it. This step was taken, however, it was claimed, under granted authority from the "Mosquito King," a person not recognized at Washington.

In February, 1853, Samuel S. Wood, "President of the Council," notified the United States Government of this establishment, and hoped it would receive the same recognition from that source which had been freely given by Great Britain. Mr. Borland says in the report of his own arrest and abuse by these people, that there were but a few hundred of them, Frenchmen, Englishmen, Americans, Germans, negroes from Jamaica, and a few natives; that few of them owned any property or had any visible means of support, occupying a territory that this Government recognized as belonging to Nicaragua, and being persons, almost without exception, of notoriously bad character, many of them being refugees from justice, or discharged convicts from the penitentiaries.

In February, 1853, Commander George N. Hollins with the United States ship *Cyane* arrived in the neighborhood of San Juan del Norte (on the Pacific coast of Nicaragua there is a San Juan del Sur), and soon found himself in trouble with the new "Mosquito City." On the bay at Point Arenas, on the opposite side of the San Juan River, the "Accessory Transit Company" had its depot and quarters, and it was a part of the object of Hollins in appearing in the

Caribbean Sea at this time to give protection to this company, composed of Americans. The new government of San Juan had notified the Transit Company to vacate the Point, and Commander Hollins arrived just in time to prevent the destruction of the company's property. And although the presence of the *Cyane* and her stubborn commander prevented the "authorities" of Greytown from executing their purpose for a time, so soon as he sailed from the coast they proceeded to burn and destroy the buildings and other property at Point Arenas.

On the 11th of July, 1854, the *Cyane* again made its appearance in the harbor of San Juan del Norte. At his former visit the people of this miserable town had shown every disrespect possible to him and his Government, and now learning what had occurred to Mr. Borland and the Transit Company, Captain Hollins demanded an apology from the citizens of the place for the insults to the American Minister, and an immediate arrangement or payment of twenty-four thousand dollars as indemnity for injuries done the Transit Company. But his demands were not heeded, as well they might not have been, although apologies were cheap enough. The poor town, made up of vagabonds largely, and with no territory outside of its limits, might as well have been asked for so many millions.

On the 12th, in the name of "George N. Hollins, commander of the United States ship-of-war *Cyane*," a proclamation was posted throughout the town, notifying the people that if his demands were not

complied with he would bombard the place on the following day, "to the end that the rights of our country and citizens may be vindicated, and as a guarantee for future protection." At the same time he notified Lieutenant W. D. Jolly, of the British schooner, *Bermuda*, lying at the same port, of his intentions.

"After due deliberation upon the communication which I this morning had the honor to receive from you," Jolly went on to reply, he entered a solemn protest against such a course, stated that it would be without precedent among civilized nations, reminded Hollins of the property of British subjects that would be destroyed, and of the inability of his vessel to give the necessary protection against the *Cyane*. Hollins answered back that he joined in sympathy for the risks of English subjects and property, and regretted that "the force under your command is not doubly equal to that of the *Cyane*." But the brave Jolly set sail that night, not desiring to see what he had not the power to prevent. On the 13th, true to his promise, Hollins, after taking off all of the citizens of the place who desired to come under his protection, shelled the town, and toward evening sent a squad of marines ashore who burned what of it was still left.

The British government looked upon the conduct of Commander Hollins on the Mosquito coast, from the outset, as highly culpable, and the Minister, John F. Crampton, soon took up the matter with Mr. Marcy. Yet at the end of Hollins's first trip to San Juan, Lord Clarendon, First Minister of Foreign

Affairs, wrote to Mr. Crampton, mildly, that under the peculiar circumstances the British government did not condemn Hollins.

It was held, however, by the British Minister that the Transit Company had only rented the privilege of Point Arenas from the authorities at San Juan, and that there was some just ground of complaint against them. Mr. Marcy took the position that the Transit Company derived its right from a charter directly from the government of Nicaragua. Costa Rica also claimed Point Arenas, and in that case, Mr. Marcy held, Nicaragua or San Juan del Norte could have no claim upon the company. Mr. Marcy notified the British Ministry in June, 1853, that the Government of the United States denied the sovereignty of the Mosquito Indians over the country they occupied, as it did the sovereignty of any North American Indians to the countries they claimed as their own; and in a letter to the American Minister at London, stated that he was authorized by the President to say that this Government did not recognize the right of the people of San Juan to set up any kind of system or authority in opposition to the rights of Nicaragua or Costa Rica.

“Lord” Clarendon in his answer to Mr. Crampton, July 22, 1853, said:—

“Her majesty’s government deeply regret (regrets) the language which the United States Secretary of State has thought it expedient to employ in his dispatch in speaking of the Mosquito country and of Nicaragua. Her majesty’s government were (was) necessarily conscious of the light

in which the Government of the United States had always, and, it is admitted, consequently, viewed the Mosquito country. But the United States Government were (was) equally cognizant of the long standing relations of Great Britain with that country, and of the moral impossibility of her abandoning that country and its ruler, after ages of protection afforded to them, without making such terms in their favor as should be consistent with their own fair claims, and with the dignity and honor of the British crown. . . .

"I have already stated, in my dispatch, No. 36, of the 27th of May, that, until the general Central American question shall have been finally determined, her majesty's government must regard the territorial rights of Mosquito, including Greytown (saving the *de facto* arrangement entered into with regard to the latter), in the same light in which they have always been regarded by Great Britain; and that her majesty's government can not recognize any pretension on the part of Nicaragua or of Honduras to any part of that country. They (it) must, on the contrary, continue to resist such pretension."

It is easy to see that the two governments were wide apart on the Central American question, a question never worth contending for, and that Mr. Marcy had rudely and unnecessarily added fuel to the flame kindled anew by the course of Commander Hollins, whose conduct was greatly censured by others besides England. But this matter will again demand a page after the consideration of the next annual message of the President, and further diplomatic negotiations. It may, however, be further remarked here that the "authorities" of Greytown made a long statement of their side of the question to Lieutenant Jolly.

Nor were they without cause of complaint. The conduct of the Transit Company and its agent had not been of the best, their disposition being very decidedly to look upon the people of Greytown as having no rights which they should respect. Nor was the conduct of the pugnacious little Mr. Borland, the American Minister, in search of a capital in Central America, of the most considerate character. In the report of their misfortunes to Jolly the Greytown officials spoke of this personage as "the said Borland." The truth of the case is that whatever the inhabitants of San Juan del Norte had been, that was no excuse for ill-treating them, and if such thing can ever be justifiable, the destruction of this place was not so. France and England considered it an outrage, and an insult to themselves, and demanded indemnity and satisfaction for their wounds. The indemnity asked in either case was many times the value of San Juan and every thing in it. England especially made some pretensions to "Mosquito" as a colonial possession of her own. The old Indian king, Robert Charles Frederick, had several times willed the possessions he claimed on the Caribbean coast to English subjects. There was a changing line of these adventurous persons which he considered his political and territorial heirs; and so wholly did he become subject to them that nothing was done without them. Some of these foreign heirs, his children and grandchildren repudiated, but they themselves became the prey of others. English naval officers, visiting this coast, had always favored their countrymen, and the British govern-

ment had finally come to regard "Mosquito" as a subject of its concern.

On the 18th of January, 1854, President Pierce issued the following proclamation:—

"WHEREAS, Information has been received by me that an unlawful expedition has been fitted out in the State of California with a view to invade Mexico, a nation maintaining friendly relations with the United States, and that other expeditions are organizing within the United States for the same unlawful purpose; and, whereas, certain citizens and inhabitants of this country, unmindful of their obligations and duties and of the rights of a friendly power, have participated, and are about to participate, in these enterprises, so derogatory to our national character, and so threatening to our tranquillity, and are thereby incurring the severe penalties imposed by law against such offenders:

"Now, therefore, I, Franklin Pierce, President of the United States, have issued this, my proclamation, warning all persons who shall connect themselves with such enterprise or expedition, that the penalties of the law denounced against such criminal conduct will be rigidly enforced; and I exhort all good citizens, as they regard our national character, as they respect our laws or the laws of nations, as they value the blessings of peace and the welfare of the country, to discountenance, and by all lawful means prevent, such criminal enterprises; and I call upon all officers of this Government, civil and military, to use any efforts which may be in their power to arrest for trial and punishment any such offender.

"Given under my hand and the seal of the United States, at Washington, this eighteenth day of January, in the year of our Lord, one thousand eight hundred and fifty-four, and the seventy-eighth of the independence of the United States."

In the fall of 1853 William Walker had organized a small force in California for the purpose of making a settlement and forming a more secure government in Sonora, the most exposed of the Mexican States on the north-west. This filibustering expedition returned to California in the following May, having for a time controlled affairs its own way in Lower California, but accomplishing nothing worthy of historic note, other than utter condemnation. To this affair the proclamation of the President was chiefly directed. Walker had scarcely returned to San Francisco until he began to prepare for a more daring adventure in Central America, now again rent by internal dissensions.

During this session of Congress treaties were ratified with Russia and Mexico. And especially was that with Mexico valuable as marking an important event of this Administration. The treaty of 1848 with that country at Guadalupe-Hidalgo had not in some respects proved satisfactory, and the new treaty, besides adding to the United States a considerable territory, which was attached to the southern part of Arizona and the south-western corner of New Mexico, relieved this country of the vexatious obligation of the treaty of 1848 to protect the vast northern border of Mexico from the depredations of the Indians. For the ceded land, between thirty and forty thousand square miles, and the release from this obligation, the treaty stipulated for the payment of ten millions of dollars to Mexico. At the beginning of this Administration James Gads-

den had been sent as Minister with full powers to Mexico, and under him the treaty was concluded at the City of Mexico on the 30th of December, 1853, both the treaty and the land purchase made by him taking his name in the history of the times. The most important feature of the Gadsden Treaty, perhaps, was the release of the United States Government from military and police service on the Mexican border. At all events this has been worth more to it than the arid and mountainous territory acquired. On the 30th of June, 1854, the treaty being fully ratified at Washington, was proclaimed by the President; and a bill was passed by a vote of one hundred and two to sixty-three in the House, and thirty-four to six in the Senate, appropriating the ten millions of dollars to carry out the provisions of the treaty.

Congress passed a bill in April, 1854, appropriating ten million acres of the public lands for aiding the States in taking care of their insane poor. This vast body of the public territory was to be apportioned among the States according to their areas and representations in Congress, and the gross proceeds of the sales each State was to put in the best securities as a perpetual fund for the maintenance of such poor insane, giving yearly an account to the Secretary of the Interior. This was a wild and unstatesman-like piece of legislation, and on the 3d of May the President returned it with his veto. He said if Congress had power to provide for the insane poor of the States, it had power to provide for the sane poor, and take charge of all charitable and philan-

thropic affairs of the whole country. By this bill he thought "the whole field of public beneficence is thrown open to the care and culture of the Federal Government." The object was worthy enough, but its application was in the wrong direction. This bill led President Pierce into the discussion of the whole subject of the powers of the General and State Governments, and the privileges and duties assigned to each in our mixed system; and taking the construction of his party and its old teachers, he concluded that if the powers of the General Government, as laid down in the Constitution, had not already been settled upon sound reason and authority, they never would be. The principle was the same whether appropriations for such purposes were made in land or money. In May, 1819, Congress had made a grant of a township of land to Connecticut Asylum for the deaf and dumb; and in April, 1826, a similar grant had been made to the Kentucky institution for the same class. These were the only precedents, and were wide apart, and served as warnings rather than examples to be followed on any scale. This first veto of President Pierce was sustained by the Democrats, and opposed, without effect, by the Whigs.

In July, 1854, the President signed a bill for the improvement of Cape Fear River in North Carolina, because the improvements were made necessary owing to the "acts of the General Government;" but on the 4th of August he vetoed a bill, entitled "An Act making appropriations for the repair, preservation, and completion of certain public works hereto-

fore commenced under authority of law." He briefly stated that he was opposed to a general system of internal improvements by the General Government, and promised to lay his reasons more fully before Congress at its next session.

During the winter of 1853, and for a short time subsequently, members of the Administration and Congress gave some attention to the scheme for annexing the Sandwich Islands to this country, and negotiations were actually begun looking to that result. France and England, of course, regarded the project with great disfavor; still the old Sandwich King, Kamahameha, was inclined to take up with the plan, and its final consummation was only prevented by his death in December, 1854. His son, the new ruler, being an aspiring and power-coveting man, took a different view of the case, and put a stop to the negotiations, and there the matter ended.

Congress also gave some attention, in spite of the all-absorbing Kansas-Nebraska slavery struggle, to the Pacific Railroad enterprise, but nothing very satisfactory was reached at this session. A homestead bill was passed at this session, providing for homes of actual settlers on the unoccupied public lands of the United States. This bill provided against one man acquiring over three hundred and twenty acres, and fixed the price of land to actual settlers at from twelve-and-a-half cents to one dollar an acre, according to the time it had been in market.

At this time Bedini, a priest from Rome, was on an extraordinary mission to this country. He had

opened a correspondence with the Administration, conveying the good-will of the Pope, and asking protection especially to be extended to the Catholics of the country. The matter caused some discussion in the Senate on a motion of General Cass to bring the correspondence of the Papal Nuncio before that body. Bedini visited several cities, and although his spiritual powers were supposed to be vast, his reputation, which was not good, had preceded him, and he was so unfavorably and unkindly received, that it became necessary for him secretly to leave the country. One of the elements of our National Independence was religious freedom, and amidst the political vicissitudes of a hundred years this element has only increased in manly strength among all classes, Catholics as well as Protestants, Jews and Gentiles, Christians, what-nots and nothingarians. The advance to this elevated state had been through witchcraft, persecution, debauchery, and even blood, but it had been made, and at no time since the birth of Bedini, or the master under whom he served, could any real or imaginary ecclesiastical power have made a compromise with or circumscribed the limits of religious and irreligious freedom in this country.

On the 7th of August, 1854, Congress at last adjourned, never in its history having laid the foundation of so much trouble to the Nation as during this session of eight months' duration. A great change had come over the country; and at no time had the prospects of internal peace been so uncertain, and the political outlook more gloomy. The new Admin-

istration had but a few months ago been ushered in with clamorous approval amidst high expectations. And how did the case stand with it now? The whole land was thrown into a political ferment, to which that of 1820 could not be compared, and that by a legislation for which there was no demand, but which, on the contrary, took the people everywhere by the most profound surprise and dread. Long ago it had been learned that the slavery question was the most combustible of all the possible issues of the country. It had been approached for thirty or forty years, at least, with fear and trembling, as if it were a magazine or infernal machine of sufficient power to blow the Union to atoms. Only the bolder spirits of the North tackled it whenever and wherever they could, without regard to consequences; and perhaps with no premonition that they were the harbingers of a better era which should be reached through a devastating war. Not alone by the passage of the Kansas-Nebraska Act did Congress startle and inflame the country; but also by the daily extravagant and not unfrequently disreputable scenes in its proceedings, the treatment of petitions from the people, and the well-known participation of many of its members in the preparations for the struggle between slavery and freedom in Kansas.

Early in the contest in Congress a general protest came from the North against the repeal of the slave line of 1820, and the opening of the conflict in territory where slavery had been interdicted forever. Mr. Douglas made himself especially conspicuous in

resisting these protests and petitions, and in this manner greatly added to the opprobrium already attached to him as the leader of this advance movement of slavery. A petition from three thousand and fifty New England clergymen against the repeal of the Missouri Compromise, introduced in the Senate by Edward Everett, especially called forth Mr. Douglas's censure. He criticised the language of the petition, as well as the spirit and motive of the petitioners; but his performance on this point was more that of the careless demagogue than of the calm and considerate statesman. He denied the right of the petitioners to be heard, and declared the impropriety of their appeal in the name of the Deity. To this Mr. Seward calmly answered back that the Senate did not begin a sitting on a single day without invoking the guidance and blessing of Heaven, and that from time immemorial the individual members, and the Senate as a whole, had been regarded as acting with a purpose single to the welfare of the country, as if in the name of the Great Ruler of the universe. It is a strange fact that the right of petition was never a Democratic (democratic) doctrine, especially in the Congress of the United States in the days of slavery.

Mr. Gerrit Smith said in his speech on the Kansas-Nebraska question in the House that the bill should be set down to the Devil, as nobody else appeared wholly willing to father it, and the Devil did not seem to be present to say anything in his own defense. Although Mr. Smith did no more than he

designed in raising a laugh over a very serious matter, perhaps the point he raised could have been much more readily determined at that time than at this remote day. This, like most other important events of history, as it has passed from the memory of men, has lost many of its circumstantial and characterizing details, besides having the progress of a quarter of a century cast back upon it; and so it becomes less easy to say that the Kansas-Nebraska Act was not a blessing in disguise, while, indeed, being no more honorable to its authors and supporters on that account. During the heated discussions on this bill in the House, Francis B. Cutting, of New York, although a friend of the measure, made a statement which was taken as personally offensive to John C. Breckinridge, who sat before him. An altercation followed, which gave additional impetus to the general ill-feeling. On the evening of the same day, March 27, 1854, by his "friend," James Maurice, another New York member, but who was absent when it came to a final vote on the bill, Mr. Cutting sent a note to Mr. Breckinridge to the effect that "Mr. Maurice was authorized to act for him." This "statesman," who always stood on his chivalry, when sober, answered at once; and arrangements were soon completed for these two Congressmen to shoot each other with rifles out near the residence of Francis P. Blair, several miles from the Capital. But a "reconciliation" was effected, and the contemptible affair terminated, it is said, in a chew of filth and poison; that is, tobacco. William Cullum, an opponent of the

bill, and William M. Churchwell, a supporter of it, both from Tennessee, nearly came to blows in the House, Cullum using the most villainous oaths amidst the greatest general excitement, while the sergeant-at-arms was hurrying from one to the other displaying the emblem of his office. But these brave men apologized to the House, and the matter ended by P. S. Brooks, of South Carolina, ridiculously giving notice that he would offer a resolution, "That the sergeant-at-arms shall cause to be erected a suitable rack in the rotunda, where members who are addicted to carrying concealed weapons shall be required to place them for the inspection of the curious, so long as the owners are employed in legislation." Congress did not adjourn before some of its members from both branches had taken sides in the contest that was now to be waged in the field. The friends of slavery did not mean to lose the benefit of the work done for them in Congress; and their opponents were determined to regain in Kansas what they had lost at Washington. The progress of events among the people kept pace, at least, with those of their Representatives in Congress.

The North was greatly aroused against the bill, for its slavery feature. While the people of this section had recently held with pertinacity to the line of 1820, they had, many of them, even out of the Abolition ranks, given an unwilling assent to the Fugitive Slave clause; in 1850 they had lost something in the compromises, and besides had the Fugitive Slave Law, with additional strength and freshness, fixed

upon them; and now they saw the South with its political policy and real pro-slavery friends in the North actually aggressive, really opening the field for a contest with freedom in the territory the Southern people had themselves declared out of the question forever. The North was aroused, and everywhere indignation meetings were held, and the most boisterous and determined action taken in reference to the Kansas-Nebraska Act. Democrats as well as Whigs joined in these demonstrations, the meetings being often called in the name of men of all parties.

## CHAPTER XI.

PRELIMINARY WAR OF EPITHETS—"NIGGER-WHIPPERS"—  
"WOODEN NUTMEGS"—"SQUATTER SOVEREIGNTY"—  
SCHOOL HISTORIES—THE PRESIDENT AND  
HIS FRIENDS—THE NEWSPAPERS.

SOON after the adjournment of Congress an Anti-Nebraska Convention of large proportions was held at Saratoga, and a strong effort was made here, and elsewhere, to lead to a state of affairs in Congress that would secure the repeal of the measure providing for the destruction of the slave line of 1820. The leading newspapers of both parties engaged in the fight with great zeal and unusual strength for that day on the one or the other side. One of the most powerful of these on the opposition side was "The New York Herald." This paper had in an exceedingly straightforward, manly and dignified way, supported the election of Franklin Pierce; but immediately after the formation of his Cabinet, it came out as a warm and unyielding opponent of his Administration. As it had pursued an open, fair, and "high-toned" course during the Presidential campaign, so now it stood, if not at the head, certainly among the most able of the opposition journals. This was also a busy period in the history of "The New York Tribune," and Mr. Greeley did an immense amount

of work, both in the public meetings and organizations and through the columns of his paper; but much of it was decidedly "sensational." Many of the editorials of that day were wanting in the calm, reliable dignity and strength which the intelligent readers of "The Tribune" have been accustomed to find in it in later years. For instance, in one of "The Tribune" editorials, in August, 1854, there is a very minute description of President Pierce's being cursed and having his hat knocked off by an egg or two from the hand of a drunken South Carolina friend with whom he refused "to drink" on the night of the adjournment of Congress; and of the President's being obliged to borrow a shirt of a barber or some shop-keeper, on account of getting too wet to be presentable at the opening of the Crystal Palace Fair in New York. The whole air of this editorial is gossipy and trifling, to say nothing of the coarse manner in which it speaks rather patronizingly of the practice of throwing eggs at and cursing Presidents, in the way of simply showing that there is nothing in this country in being President more than there is in being anything else; which, while it is in some sense true as a principle of republicanism, does not give license to vulgarity or wrong. The right-feeling, right-thinking, and right-living intelligent man is always as safe from the hands of his neighbors and the community having these qualities, as they are from his. The right way is comparatively, perhaps, as broad as any way, and to trim to the passions, whims, and prejudices of the unthinking and

ignorant, is to sacrifice principle and manhood to these qualities, or to selfish and politic man-praising. "The Washington Union" was the special organ of the Administration, but was not always either a wise supporter and defender, or a fair foe.

The whole press of the country, not excepting the religious, took up the great question of the day, and "no stone was left unturned." When arguments were exhausted, epithets were used; and, indeed, many orators and writers applied them at times with the apparent view of intensifying and clinching arguments.

The Free-soilers and opposition generally played upon the words slaveholders, slavocrats, slavocracy, nigger-drivers, nigger-whippers, squatter sovereigns, border ruffians, bowie-knife and shot-gun fraternity, Southern chivalry, and the like, with varying intensity and effect; and on the other hand, there came from the South and the great pro-slavery contingent in the North such terms as nigger-stealers, wooden nutmegs, blue-bellied Yankees, damned Yankees, Northern fanatics, Abolition fanatics, infernal Abolitionists, black-hearted Abolitionists, Yankee dogs, and a little later, not Republicans, but Black Republicans, and still later, as the contest thickened, white-livered Yankees, Northern mudsills, lickspittles, and so on. Mr. Douglas, in his speeches in the United States Senate, even took peculiar pleasure in employing the term *Abolitionist* as a term of reproach, or as a form of oath. And the Abolitionist was always a fanatic. This word also has an interesting social history. All

men have been denominated fanatics who have differed much from their neighbors, no matter how urbane their manners or wise and beneficial their teachings. Men who, in any channel, religious, political, or social, have gone aside from the ordinary way, have always been complacently dubbed fanatics. The most earnest and humble delvers in science have been fanatics. The founders of great systems of philosophy and life have been fanatics. The harbingers of new eras and great benefits to the race have been fanatics. The patriarchs and prophets were fanatics. All the long line of martyrs were fanatics. And even He who "spake as never man spake" was a religious fanatic, and cast out devils by Beelzebub. So has said the careless, lazy, easy-going, conservative, hail-fellow-well-met, good-God and good-man, any-or-no-principled portion of mankind. And yet what would the human family be to-day had none of these fanatics lived? Not worth the fragments of a steam-boat explosion, or the ink used in making these words immortal. Still, all good has not belonged to the forerunners and martyrs. The simple conservative, the faithful upholder of well-enough, he whose to-morrow should ever be as his to-day and yesterday, must ever conserve a good purpose. He is one of the two great equal forces in the little world of man. He pulls toward the center, and holds in equilibrium all the new, radical, progressive, expansive, and eccentric elements, factors, and outbirths, until the sentiments and feelings of men have been expanded, and the world is gradually tempered to them.

One of the campaign biographers of Mr. Douglas says :—

“ Whatever question or doubt may have existed or may now exist as to the authorship of the Compromise Acts of 1850 respecting the Territories, there is not the slightest question as to where the responsibility, the honor or blame, the credit or odium, for the Kansas-Nebraska Act belongs. No one has denied that to Stephen A. Douglas belongs whatever fame that justly attaches to an act of legislation, which has been more celebrated (for the censure by its enemies, and praise by its friends) than any act of Congress since the foundation of the Government. During its pendency it was used as a pretext by the fanatics of the North for the wildest exhibition of ungovernable fury.”

Alfriend, in his “Life of Jefferson Davis,” writes :—

“ Incidental to the late Administration, but by no means traceable to its influence, had been legislation by Congress of a most important character, which was to give a powerful impulse to agencies long tending to the destruction of the Union. The election of Pierce had been carried with a unanimity unprecedented, upon the distinct pledge of the acceptance of the Compromise as a finality. The country, for months subsequently, reposed in profound quiet, produced by its confidence in an approaching season of unequalled prosperity, and exempt from all danger of political agitation. This hallucination was destined to be speedily and rudely dispelled by events, which afford striking evidence of how completely the peace and happiness of the American people have always been at the mercy of aspiring and unscrupulous demagogues. Mr. Stephen A. Douglas must ever be held, equally by both sections, responsible for the disastrous agitation which followed his introduction of certain measures, under the pretense of a sentimental justice, or a concession of principle

to the South, but, in reality, prompted by his personal ambition, and which greatly aided to precipitate the catastrophe of disunion.

"Upon the application of the Territory of Nebraska for admission into the Union, Senator Douglas, from the Committee on Territories, submitted a bill creating the two Territories of Nebraska and Kansas, and affirming the suppression of the Missouri restriction of 1820, which prohibited slavery north of  $36^{\circ} 30'$ , by the Compromise of 1850. It declared the Missouri restriction inconsistent with the principle of non-intervention by Congress with Territorial affairs, which had been adopted in the settlement of 1850, and therefore inoperative.

"This bill was apparently a mere concession of principle to the South, not likely to be of much practical value, but still gratifying, as it gave to her citizens the right to carry their property into districts from which it had been hitherto inhibited. Passing both Houses of Congress, in 1854, it was approved by the Pierce Administration, sanctioned by the Democracy generally, and greeted by the South as a triumph. It was not imagined that a victory, so purely sentimental and intangible, could be accepted by the North as a pretext for violent eruptions of sectional jealousy, and least of all did the South believe its author capable of the subsequent duplicity with which, by specious arguments and verbal ingenuity, he claimed for the measure a construction far more insidious, but not less fatal to her interests, than the designs of proclaimed Abolitionists. The immediate result was a tempest of excitement in the Northern States, in the midst of which the so-called Republican party, for the first time, appeared as a formidable contestant in political struggles, and defeated the Democracy in almost every State election. The latter, with extreme difficulty, elected Mr. Buchanan to the Presidency two years afterwards.

"The repeal of the Missouri Compromise has been

commonly alluded to as the special and leading measure of the Pierce Administration. It was, in reality, not an Administration measure. The well-known cordiality of Mr. Davis's relations with President Pierce induced a number of Senators to call upon Mr. Davis, on the Sunday morning previous to the introduction of the Kansas-Nebraska Bill, and ask his aid in securing them the pledge of the President's approval. They represented the measure as contemplating merely the assertion of the rights of property, slavery included, in the Territories. Mr. Davis objected, at first, to an interruption of the President on the Sabbath for such a purpose, but finally yielded. The President promptly signified his approbation of a measure contemplating such a purpose. It is not necessary to say that the legislation of Congress embraced a far greater scope than that indicated. The Administration indorsed the Kansas-Nebraska Bill in full, because the principle was correct, though its assertion then was wholly unnecessary, unprofitable, and likely to lead to mischievous results. This was the real connection of the Pierce Administration with a measure for whose consequences the ambition of Judge Douglas was almost solely responsible."

In his strange "School History of the United States," Alexander H. Stephens says:—

"This was the state of things in December, 1853, when the first session of the Thirty-third Congress met, and when it became necessary to organize a Territorial government in a portion of the Louisiana cession not already embraced in the Utah and New Mexico Bills of 1850. For this purpose Mr. Douglas, Chairman of the Committee on Territories, on the 4th of January, 1854, reported a bill in the Senate for the organization of a government in the Territory of Nebraska. In this bill, upon the subject of slavery, he used the same language as that set forth in the

Utah and New Mexico Bills of 1850. He was careful to adhere faithfully to the Territorial principle and policy then established, and which both of the two great parties were pledged to maintain. Then it was that the restrictionists and agitators again raised great excitement in the halls of Congress. Mr. Sumner, of Massachusetts, on the 17th of January, introduced into the Senate a memorial against slavery, and gave notice of his intention, when the Nebraska Bill came up, to offer an amendment reaffirming the old slavery restriction of 1820 over this portion of the Louisiana cession. This opened *de novo* the whole Territorial question that had been settled in 1850. The sectional controversy was thus again opened in the Federal Councils, with all its fierceness and bitterness. The restrictionists and agitators now spoke of the old Missouri line of division as ‘a sacred pledge’ and ‘solemn compact’ between the two great sections of the Union, which ‘the slavery propagandists’ were about ‘most ruthlessly and wickedly to violate.’

“When the Nebraska Bill came up for action, it was amended in the Senate by the organization of two governments instead of one—a government for the Territory of Kansas as well as that of Nebraska. Upon the subject of slavery the same words were used in the organization of both governments. After a slight amendment, to make the object and policy of Congress more clearly to appear to be in strict conformity with the principle of non-intervention established in 1850, this bill passed the Senate on the 3d of March, 1854, by a majority of nearly two to one; the yeas were twenty-seven, and the nays fourteen. By States, in that body, the vote stood: For it twenty-one, and against it only seven; three States were divided. The same bill, with one or two slight amendments, not changing the substance on any of the main points, passed the House on the 20th of May, by a vote of one hundred and thirteen in favor of it, and one hundred against it. By

States, in the House, the vote on this bill stood : Eighteen for it, and thirteen against it. It received the prompt approval of the President, and is known as the Kansas and Nebraska Act. This is the legislation of 1854, about which so much has been said and written, and which constitutes the distinguishing feature of General Pierce's Administration.

" Its object was to carry out in good faith the adjustment policy of 1850; but it was used by the agitators in connection with the Fugitive Slave Act, another measure of that adjustment, in arousing the anti-slavery element everywhere to its intensest fury. A remnant of the Whig party, without regard to their solemn pledge to maintain the adjustment of 1850, 'in principle and in substance,' being now in opposition to the Administration, rather favored than opposed the agitation which ensued. Indeed, some of the leading men of this remnant took the lead in the agitation.

" Under the Territorial policy of 1850 the public domain was to remain open and free alike for settlement and colonization by citizens of all the States with their ' bonds-men,' and property of every kind, without any discrimination for or against any class of persons ; and the settlers were to regulate their own domestic institutions in their own way, with the perfect right of local self-government, without any limitations except such as are prescribed in the Constitution of the United States. The plan of operations adopted by the agitators immediately after the passage of the Kansas and Nebraska Act, was to create trouble and dissensions among the settlers in these Territories. For this purpose emigrant aid societies were formed by them in the Northern States ; moneys were collected ; arms were purchased and put into the hands of their mercenary emigrants, whose object was not colonization so much as agitation. Civil strife soon ensued, and what was known as the ' Kansas War' followed. In this the celebrated John

Brown obtained his first notoriety. The Administration, however, succeeded in preserving the general peace by strict and faithful maintenance of the laws."

These two writers on the same side differ absolutely as to the character and purpose of this Kansas-Nebraska legislation, the plain, straightforward statement of one being in marked contrast with the old politician's artful evasion and ambiguous inexactness. Mr. Stephens here says the Kausas-Nebraska Bill was designed to carry out the adjustment policy of 1850, and speaks of the "old" Missouri line as if it were a thing long dead and buried by everybody; and actually presents it as a truth that by the arrangement of 1850 the whole territorial domain of the United States was opened forever to slavery wherever it wanted to go. If this were true, then the South had gained more in the Compromise Measures of 1850 than had ever been dreamed of in the North; and the pro-slavery leaders who had been so cunning as to overreach the sharp-scented Abolitionists did not give out the least sign of what they believed they had accomplished at the time, and managed to keep it a profound secret from that day until they startled the country by announcing that the principle they were striving for in 1854 had been established in good faith in 1850. Although the North assented with ill-grace to the Fugitive Slave Law of 1850, and the more combative, slavery-hating localities resisted, it must be well known to every candid man to-day that if it had been understood, or even whispered throughout the North, that the Mis-

souri Compromise of 1820, the slave line of 36° 30'; had been superseded and rendered "inoperative and void" in 1850, a hurricane of indignation and opposition would have swept over the country. Such a thing was not understood, and nobody thought of it. Not even the nosey newspapers started the question. And the Presidential contest of 1852 not only did not discover the real state of the case, but both of the leading parties placed themselves on the Compromises, and the Democrats claimed it as a virtue for their candidate, that under him there could not possibly be any further agitation of the slavery trouble; and the Democratic "platform" bound their candidate and party to "resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made." Nor was the dogma of non-intervention broached in this campaign. Would it be possible now to believe that in the Democratic "platform" there lurked a secret meaning, to be sprung at an auspicious future moment, or that such a stupendous secret could ever have been kept by any party, or that even a political organization could be so utterly dastardly as to sail under such absolutely untrue and monstrous pretensions? The simple fact is, that all the leaders in Congress and out of it, the newspapers, and the people everywhere, believed that the acts for organizing New Mexico and Utah meant no more than Mr. Clay had declared in the "Omnibus Bill," "that as slavery does not exist by law, and is not likely to be introduced into any

of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or exclusion from, any part of the said territory." And this being supposed to be the case another piece of tender courtesy toward slavery was tolerated in a manner by the North, and Fillmore's Administration ended with the country in profound peace. No such scheme as non-intervention or squatter sovereignty was established or attempted in 1850. That would have torn open the old gangrene in the national body. The right of Congress, the right of the General Government, to provide for and take care of the public territory had not been questioned during the first forty or fifty years of the Government. Even as to slavery, there was no exception to this fact in the days of the early Democratic Presidents. A part of the people of the Territory of Indiana five times applied for a temporary suspension of the slavery restriction of the Ordinance of 1787 to that Territory, but Congress treated Indiana as a child. John Randolph said her demand could not be entertained, and for the wisest and best of reasons; and there was no division in the South on the point. Nor had this position ever been denied in the South, except where the question of slavery was involved, and that not until the territorial needs of that section began to press. Then, although the South had secured and taken  $36^{\circ} 30'$  as the eternal slave line; she began to be dissatisfied with it, and Mr. Calhoun, Mr. King, and others of her leaders began to utter the senti-

ment that Congress never had possessed any right to interfere with or regulate slavery in the Territories.

Non-intervention as a "great and glorious" Democratic principle and privilege had really never existed, nor had its loss been felt in the Territories, nor mourned elsewhere; and now in 1854, the cry for it in the North was pure political quackery. It had really but one bearing, and that was in the direction of slavery. Mr. Douglas appeared as the champion of a great principle, which if it never could be born before, always should have existed, it was found. But even then this "principle" was a pretense. Beyond the ambitious personal designs of Mr. Douglas, it had no earthly object but human slavery; and when slavery died, squatter sovereignty died. It was a mistake to say that the repeal of the Missouri Compromise of 1820, by the Kansas-Nebraska Act, was simply to carry out in good faith a provision of 1850, or a principle established then or at any other time. The great and paramount object of the Kansas-Nebraska Act was to make Kansas a Slave State. That Mr. Douglas knew; that President Pierce and his Cabinet knew; and that all the people, North and South, soon learned to know, as future events will show.

Mr. Stephens speaks of the plan of operations adopted by the agitators, meaning the Northern ones, as if there were no other agitators, and as if Missouri, Arkansas, and Texas did not have their organizations, and the whole South did not do what it could in its peculiar way to beat the Northern agitators in

the war for which non-intervention had provided. Is this a school or a political partisan history Mr. Stephens has written? Having selected him for an authority in his day, I regret to feel that I shall ever need to be under the necessity of apologizing for, or exposing his unfairness. In the numerous other school histories which I have been curious enough to examine on this point, true brief statements were found of the parts taken on each side, where any mention was made at all. If slavery and all the men and issues of the past in this country can not now be handled with freedom and without one-sidedness the case would be pitiable indeed, and he who fails in such an attempt must do so for want of the facts, or be unworthy of the rank which his work should bestow.

The direct and leading part taken by Mr. Douglas in the Kansas-Nebraska struggle is not a matter of question, nor, perhaps, need his motives be doubted. Mr. Stephens and many others have claimed that he was acting in good faith, and for honorable ends. Horace Greeley said at the time that he was bidding for the Presidency; Mr. Alfriend entertained this common and lasting opinion of Mr. Douglas's performance and purpose. He was for a time immensely popular with the South. What he lost in the North he more than gained in the South. Mr. Douglas had his eye on the Presidency, and never removed it, until death cut short the drama in which he was acting. No aspiring Northern man, until a later date, had been able to resist the advantages and allurements

of a Southern friendship. In any case, the South held the balance of power, if she had not the numerical strength. And when the South is mentioned human slavery is meant. From the outset bold men had occasionally spoken out, but in the main she had been humored and favored. When she wanted something she got it through courtesy and kindness often at first, and after the earlier days of the Republic she got it by Northern alliances and votes. And in this latter case there was always something to be returned. Compromises even were obtained in this way; and the South freely gave herself to schemes of Northern allies that she might raise up champions in her own time of need. But throwing aside the meaner political features of the relations of the two sections, there was always a manly and honorable interchange of fraternal and kindly offices and desires among the people both in and out of Congress; and, until the final great struggle began in the Kansas-Nebraska Act, an inner feeling of national brotherhood ruled the great mass of men in both sections, and preserved an honest national patriotism in spite of State Rights, nullification, and the narrow animosities of slavery.

As to the support given to the Kansas-Nebraska Act, and its purpose, by President Pierce, there need be no doubt. In speaking of the diversity of opinion on this point, "The Washington Union" said, October 9, 1855:—

"This is a total perversion of the history of the Nebraska Bill, and of the introduction into it of the clause

repealing the Missouri restriction. It is not true that either Senators Douglas or Cass, or President Pierce, was ever opposed to the repeal of the Missouri restriction. These statesmen were the early, the earnest, and the consistent advocates of the principle of Congressional non-intervention in the Territories, and of necessity were opposed to the recognition by act of Congress of the Missouri restriction, which was in direct conflict with that principle. The only question that presented itself to Senator Douglas, as Chairman of the Committee on Territories, was whether the Nebraska Bill should be drawn in the language of the Compromise of 1850, and be a literal copy of the New Mexico and Utah Bills, so far as the slavery question was concerned, and therefore be a repeal of the Missouri restriction by necessary implication, or whether, in addition to the language of the Compromise of 1850, there should be a clause expressly repealing the Missouri restriction. . . .

"After the bill was introduced the Abolition leaders in Congress denounced it with violence as a violation of the Missouri compact; moreover, doubts were suggested by Southern men as to whether the repeal of the Missouri Compromise was so clear as to satisfy slave-owners that they might settle in the Territory and risk a judicial decision as to their property with safety. On the other hand, it was suggested by Northern men that there was no doubt about the repeal of the Missouri Compromise; but there was doubt whether the legal effect thereof was not to revive the Louisiana Law of 1803, by which Nebraska was slave territory. To remove all room for doubt, and to free the question of non-intervention in Nebraska from all controversy, Senator Douglas himself brought forward the amendments which placed the bill in the shape in which it passed.

"It is due to the truth of history to state, also, that the amendments were seen and approved by President

Pierce and General Cass before they were offered in the Senate by Senator Douglas. These three gentlemen were the earnest and consistent advocates of the Nebraska Bill, from its inception to its final passage, and we are entirely certain that its legal effect in the shape in which it passed is identically that which they attributed to it in the shape in which Mr. Douglas first introduced it. We go further, and affirm, with entire confidence in our ability to maintain the assertion, that the bill as it finally passed does not differ in the slightest degree in principle from the Compromise of 1850."

This whole Kansas-Nebraska legislation was as much the work and will of Franklin Pierce as any of the more prominent measures enacted by Congress were the acts of Presidents under whose Administrations they originated, except, perhaps, in a few cases, and especially with General Jackson. But there has been no particular inclination to deny the responsibility of President Pierce in this matter; nor is there at this day much disposition, perhaps, in any quarter to blame him for the part he did take, even by those who did at the time deeply censure him, or by their political descendants. It is not, however, in the light of future events that a man's deeds are to be weighed and valued to him; but from the motives and means employed by him and their influence for good or ill at the time of their perpetration. No man can ever hope to draw favor or permanent good to himself by the intelligent, willful doing of a wrong, harmful, or evil act to himself, to another, or to the community or country, although good may some day spring from it, or it may have been a part of a series

of acts which led to or preceded some accidental or undesigned great good. Nor does the conscientious pursuit of an error, a wrong, or an evil, or the perpetration of an evil act, or the free and determined entertaining of a wrong or evil thought, find any apology or receive any credit or benefit from the developments and illustrations of the future. Every man must stand or fall on the immediate, free, intelligent purposes and acts of his life. The malicious burning of a house is no less a crime because the community is thereby pleased and benefited after a time by the erection of a much finer and more durable one on the same spot.

Franklin Pierce had been elected President on the most open, loud, and reiterated assurances of the party that under him all causes of internal agitation would be buried. He was above all things the compromise candidate, the friend and maintainer of the "compromises of the Constitution" which had at times allayed the rising storm. His party had fought and won the race on this ground, mainly. He had scarcely organized his Cabinet until some of his earnest supporters had turned against him, fully persuaded that they had been deceived. Some of his staunchest New York advocates were lost to him by what they termed his meddling in their political affairs; and others, like "The New York Herald," by the appointment of William L. Marcy as Secretary of State, a man who, although able and skillful, from his long training in the peculiar tactics of the "Albany Regency" it was claimed, was wholly unfit to

be an adviser in an upright and impartial Government. "The Herald" found serious fault with President Pierce's first message. Its glittering periods were concealments or meaningless, and where it was felt he should be plain, simple, and reassuring, he was obscure or evasive, and so on. On the last day of 1853 "The Herald" gave utterance editorially to the following intense sentiments :—

"A year ago we chronicled as cheering events the election of General Pierce and the unparalleled unanimity with which the people of this country had resolved to sustain the integrity of the Union against its enemies. At that time not a voice was heard to disparage the President-elect. Twelve months have elapsed, and now not a voice, save those of hirelings, utters a syllable in his praise. He has forfeited the esteem of a whole people, broken every pledge he gave, violated each separate promise of his inaugural, trampled on the sentiment which elected him, plunged the country into disorders whose issue appalls the most stout-hearted, and for all this has earned the indignant reproaches of an injured Nation. His government has fallen lower after ten months of office than any of its predecessors ever fell in four years."

## CHAPTER XII.

SPAIN AND CUBA—ORGANIZING FOR THE CONFLICT—THE  
“VIRGIN SOIL” OF KANSAS—“BORDER RUFFIANS”—  
SECOND ANNUAL MESSAGE.

PROTESTS, petitions, and public indignation having failed, the opponents of the Kansas-Nebraska pro-slavery legislation began at once to turn their attention to the next most feasible channel of operation. This was the immediate settlement of Kansas by Free-soil emigrants. Many Congressmen, before the close of the session, had favored or joined in this movement; and Washington became the center, indeed, from which both parties operated. The South was not behind in the matter, and a current of pro-slavery emigration from that section was soon turned toward the scene of the next act in the drama. David R. Atchison and other Southern or pro-slavery Congressmen hurried home, some of them even before the end of the session, to engage in the work of making Kansas a Slave State. Atchison became, indeed, one of the most noted agitators and leaders in the class termed “Border Ruffians,” a new political name which has never been applicable exactly to any other occasion in the history of this country, and about which there has not been a unanimity of sentiment as to its fitness at that time. But on

what points have all men ever been agreed ? The border States, both slave and free, began at once to furnish energetic citizens for Kansas, and the whole country became earnestly interested in her destiny. In the North the Kansas-Nebraska Act alienated many Democrats from their party, and these everywhere joined in the Kansas Free-State movement and in opposition to the policy of the Administration.

President Pierce and his Cabinet were now seriously involved in diplomatic affairs. The new Administration had started out with the design of acquiring Cuba, and for that reason Pierre Soulé, a very unsuitable man, was sent as Minister to Spain. On the 28th of February, 1854, an American vessel, the *Black Warrior*, had been seized and confiscated by the authorities at Havana. This was but one in a long series of unwarranted and piratical acts of the "Captain-General of Cuba," unjust and insulting to this Government. On the 11th of March Mr. Marcy wrote to Mr. Soulé, instructing him to demand immediate redress from Spain, as the Governor of Cuba had neither right nor inclination to notice the complaints of the United States or negotiate as to his own acts. Four days later the President sent to the House at the request of that body a report of this affair and the steps taken by him in reference to it; and on the 17th Mr. Marcy again wrote to the Minister in Spain claiming, three hundred thousand dollars for the injury done on account of the seizure of the *Black Warrior*. But Spain, always slow to do justice to another nation, was now involved in domestic

troubles at home, and gave little or no heed to the demands from America. Matters became worse, and early in April, 1854, Mr. Soulé was granted full powers to negotiate for the purchase of Cuba. Feeling in the country was aroused against Spain, and the filibustering spirit of the Gulf Coast was especially active. In view of this state of affairs, as much as it was the desire of the President and his Cabinet to add Cuba to the United States, this way of doing it was not deemed quite politic or in keeping with international obligations, and on the last day of May, 1854, the President issued a proclamation warning citizens of the United States not to engage in unlawful expeditions against Cuba, or in any way disturb the peaceful relations between this Government and foreign powers.

On the 1st of August the President sent a message to the Senate as to the progress of matters with Spain, in which he said :—

“ In view of the position of the island of Cuba, in proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts, infringing our commercial rights, and the adoption of a policy threatening the honor and security of these States, can long consist with peaceful relations. In case the measures taken for amicable adjustment of our difficulties with Spain should unfortunately fail, I shall not hesitate to use the authority and means which Congress may grant to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag. In anticipation of that contingency, which I earnestly hope may not arise, I sug-

gest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand."

Mr. Buchanan was now in London, and John Young Mason at Paris; and on the 16th of August, after the adjournment of Congress, Mr. Marcy suggested to them the propriety of their holding a conference with Mr. Soulé, as to the negotiations with Spain. This co-operation of these three foreign representatives of the Government was, perhaps, necessary, owing to the interest France and England were likely to take in a negotiation which had in view the transfer of Cuba to the United States. Then, too, the Administration had in consideration in such a step some modification and direction of the course of Mr. Soulé, whose affairs as Minister to Spain did not work very smoothly.

On the 9th of October, 1854, the three Ministers met at Ostend, on the coast of Belgium, and on the next day began a conference on the question in hand. After three days they adjourned to Aix-la-Chapelle, and here on the 18th of the same month they addressed a letter to the Government, as embodying their views on the situation. This letter was signed by the three Ministers, and the amount they proposed as the maximum to be paid for Cuba was one hundred and twenty millions of dollars. But President Pierce did not feel disposed to pursue the course they recommended, and especially their plan of going to war, if Spain did not see fit to sell Cuba to this Government. Mr. Soulé not being satisfied with the turn this matter now took, the extreme features of

which were greatly owing to his own disposition, resigned his mission towards the close of the year, and returned home.

It was justly supposed at the outset that President Pierce's designs as to Spain and Cuba were foreshadowed by his appointment of Mr. Soulé, as well as his disposition to conciliate the South and harmonize the country in the large number of his appointments from the South. But in Mr. Soulé the common opinion was not fully sustained. In a letter of Mr. Mason's to the Secretary of State, dated October 30, 1854, there is this statement:—

“An incident of very grave import has transpired. In my No. 36, I communicated the intelligence that the Minister of the United States to Spain had been prohibited by alleged orders of the emperor's government from entering France. That I might without delay ascertain the facts of this extraordinary and unusual proceeding, I sent Mr. Piatt, secretary of this legation, to Dover, to communicate with Mr. Soulé. He left Paris in the evening of the 25th, and on his arrival, finding that Mr. Soulé had left Dover, he proceeded to London, where he had an interview with that gentleman. The order forbidding his entering France was wholly unknown to Mr. Soulé, and he assured me that, ‘neither by deed nor by words, uttered or written, has he afforded the shadow of a pretense for the wanton measure, which, in violation of his rights as a citizen of the North American Republic, and of his privileges as one of its accredited ministers, has interdicted to him a passage through France on his way back to Madrid.’

“I lost no time, after the return of Mr. Piatt, to address to the Minister of Foreign Affairs, under date of the 27th instant, a communication, of which I send you a copy.

It was sent to the Foreign Office on the 28th, and I have not yet received an answer.

"It is impossible not to regard this humiliating indignity as deeply injurious, when it is remembered that Mr. Soulé, acting under your orders, has recently spent more than two weeks in Paris; and while sojourning here, neither he nor I received any intimation that his presence was objected to by the French government."

From the letter of the French Minister of Foreign Affairs to Mr. Mason, November 1, 1854, it does not appear so clear that Mr. Soulé had furnished no pretext for his treatment, by "deed or words," while it does show that this adopted French citizen of the United States did not stand so very high in Paris.

Towards the close of this session, the Senate had given its assent to a commercial reciprocity treaty with Great Britain, but not until in September were the ratifications completed and the treaty proclaimed at Washington.

Under Mr. Fillmore an expedition had been sent out for the purpose of forming commercial relations with Japan, commanded by Commodore Matthew C. Perry, brother of Oliver Hazzard Perry. In the summer of 1853 Perry boldly entered the Bay of Jeddo, his steamers being the first that had ever ventured into these interdicted waters. He held firmly to the purpose of his mission until success had crowned his efforts. In the spring of 1854, after doggedly waiting the emperor's answer from the previous summer, he effected a treaty, and opened this old exclusive empire to the commerce of the world.

During the pendency of the Kansas-Nebraska Bill legislation in Congress, the result of which was well known beforehand to the Administration party, great haste was made to put Kansas in condition for settlement. The Territory belonged to the Indians ; but when has this Government allowed them or their so-called rights to stand in the way of its purposes ? Now a great cause was at stake, that of extending human slavery. The head men of tribes inhabiting the best and most needed parts of the Territory were quietly induced to go to Washington, or taken there by interested persons, and there made to dispose of their lands ; that is, the Government entered into treaties with them, in which they were courteously termed parties to the contract. On the 25th of March, 1854, separate treaties were made with the Otoes and Kickapoos ; and on the 30th with the Kaskaskias and two or three other small families ; and on the 6th, 10th, and 18th of May with the Delawares, Shawnees, and Sacs and Foxes, by which they ceded the greater part of their lands to the United States ; and with this formality the Territory of Kansas was open to be surveyed and settled. Mr. Seward had said in his last appeal in Congress :—

“Come on, then, gentlemen of the Slave States ! Since there is no escaping your challenge, I accept it on the behalf of freedom. We will engage in competition for the virgin soil of Kansas, and God give the victory to the side that is stronger in numbers as it is in right.”

Even before these bold, manly words had been uttered the work had been transferred to the people.

And although the South had undoubtedly the advantage in the Executive appointments, which were mainly or wholly supposed to be favorable to the pro-slavery party, the North was not much behind, with the advantage in numbers and spare population. The President appointed Andrew H. Reeder, of Pennsylvania, to be first Governor of Kansas, and Daniel Woodson, of Arkansas, to be his Secretary. Reeder was supposed to be in harmony with the Administration fully, and that the South claimed as favoring her intentions as to Kansas. Reeder was believed to be greatly pleased with the new Democratic doctrine of "popular sovereignty," but he failed to come up to the expectations of those in whose interest he had really received his appointment. He was a lawyer of ability, and apart from the "glorious" feature of the case, the salary of two thousand five hundred dollars a year was not cause sufficient to take him from his profession. Of him the Administration organ, "The Washington Union," said:—

"He was appointed under the strongest assurances that he was strictly and honestly a national man. We are able to state, further, on very reliable authority, that whilst Governor Reeder was in Washington, at the time of his appointment, he conversed with Southern gentlemen on the subject of slavery, and assured them that he had no more scruples in buying a slave than a horse, and he regretted that he had not money to purchase a number to carry with him to Kansas. . . . We will repeat, what we have had occasion to say more than once heretofore, that no man has ever been appointed by President Pierce to office who was not at the time understood by him to be

a faithful adherent of the Baltimore platform of 1852, on the subject of slavery. If any appointment were made contrary to this rule, it was done under a misapprehension as to the appointees. We may add that the evidences of Governor Reeder's soundness were so strong that President Pierce was slower than others to believe him a Free-soiler after he had gone to Kansas."

This strange statement, made as an apology to the South for its disappointment in Mr. Reeder, leaves little chance to doubt the point which guided the President in making his selections for Kansas. And no one could now be foolhardy enough to suppose that the friends of slavery who had gained the first great victory in form of law, would at the very outset jeopardize their prospects in the field by putting at the head of affairs a man not wholly in harmony with them or controllable by them. That was a matter of course; and the talk of national men and general democratic principles was mere political cant. "Squatter sovereignty" was nothing to the South but for the time and the purpose. In no part of this Nation has there ever been so little genuine devotion to democratic principles in their ultimate workings as in the South; and its adhesion to the party bearing the name Democratic has been based upon the opportunities that position gave to carry out its purposes. Interiorly, the South could always respond heartily to Mr. Emerson's exclamation, "Down with the masses, and up with individual men!" Slavery was very exclusive and aristocratic in its principles and culture, and it was always the ally of Democracy only from necessity. In fact, "great" Democrats

have never anywhere or in any section been so democratic as when on the stump or before "the people." The delightful English writer, H. A. Page, in his "Study of Thoreau," says: "Democracy in a new country must ever be as hard on individuality as aristocracy in an old." It has even been held by Democrats that republics have fallen to pieces from their leveling principle. Leveling extinguished the fire of genius, Gibbon said, and thus Rome fell.

One thing Mr. Page might have added, and with more truth, perhaps, to his aphorism on democracies, and that is that democracy, no less than aristocracy, never loses sight of the distinctions of wealth and what it otherwise brings. The admirable writer of "Political Portraits" of English leaders says, in his sketch of Ward Hunt: "For though rank and wealth are no substitutes for ability, they immensely help it. They make a little go a long way, and are equivalent now, as they were in Pascal's time, to a start of about five-and-twenty years in public life." This spirited writer might have said, too, that both in aristocratic England and republican America wealth and the rank it is made to carry with it are about the only start either in public or private life that many of their possessors are ever able to take.

In October, 1854, Governor Reeder arrived in Kansas; but long before his appearance there the tide of emigration had set in toward that "virgin soil." The "Compromise of 1820" was scarcely repealed before men began to go forward from both sections. The first installment of Kansas settlers

from New England arrived in the latter part of July, and located on the present site of Lawrence, which became the Kansas Boston. The spot they selected for the future city was at the time of their arrival, they found, actually claimed by men from Missouri, whom they bought out. The Wyandot Indians also claimed a part of the site. Two weeks later S. C. Pomeroy and Dr. Charles Robinson, with another small company of less than a hundred persons from Massachusetts, joined the settlement at Lawrence, which was at first called New Boston and also Wakarusa, the name finally fixed upon being in honor of Amos A. Lawrence, of Boston, one of the promoters and sustainers of the settlement. So soon as the Missourians found that there had been a Yankee town started on the Kansas River, they attempted by threats, bluster, and curses to break it up, but in this they were not successful; and the town grew rapidly, mainly by additions from the Northern States. Soon after his arrival in the Territory Governor Reeder visited Lawrence.

Early in the spring of 1854 the "Sons of the South," "Blue Lodge," and other societies were formed in Missouri with a view of aiding in the work of keeping out the Yankees and making Kansas a Slave State. These men considered it an undebatable fact that the Kansas-Nebraska Act had given Kansas to the South, and the advent of Yankees, as all Northern emigrants were called, was an intolerable thing. At Westport, near the Kansas line in Missouri about this time, at a meeting called to take the

spirit of the citizens as to the prospects in Kansas, it was

*"Resolved,* That this association will, whenever called upon by any of the citizens of Kansas Territory, hold itself in readiness together to assist and remove any and all emigrants who go there under the auspices of the Northern Emigrant Aid Societies.

*"Resolved,* That we recommend to the citizens of other counties, particularly those bordering on Kansas Territory, to adopt regulations similar to those of this association, and to indicate their readiness to operate in the objects of the first resolution."

In February, 1854, the Massachusetts Legislature had authorized the formation of the "New England Emigrant Aid Company," and later the "New York Kansas League," the "American Settlement Company," and others in various parts of the country were formed for the purpose of settling Kansas, and keeping slavery out of it. While this was the primary object of all this movement, the class of citizens thrown into Kansas made its early settlement an exception to the general rule, where the hunter, trapper, and lazy, improvident, unprogressive pioneer has for years occupied the ground before the appearance of industry and enterprise. The great mass of all the Northern emigrants to Kansas during this slavery struggle, perhaps, remained or became permanent citizens of the new State. With them they brought the conveniences and implements of progress in the old States, and at once organized their societies in the general plan and spirit of their former homes.

On the 29th of November, 1854, the first contest at the polls took place in the election of a delegate to represent the Territory in Congress. There were three candidates in the field, and of the two thousand eight hundred and seventy-one votes cast only two hundred and forty-nine of them were for the out-and-out Free-soil candidate, while the pro-slavery candidate had two thousand two hundred and sixty-eight, of which it was claimed over one thousand seven hundred were actual citizens of Missouri, "Border Ruffians." But the proximate history of this election must be left to the report of the Congressional Committee. Never before in the history of this country had the slavery issue taken the shape of a direct conflict at close range at the polls. The case was really simple enough now. There were no collateral and complicating accompanying questions. The Administration had cleared the arena, and thrown the gauntlet to the people. "Whom the gods would destroy they first make mad."

Mr. Whitfield, the successful candidate at the first election subsequently, thus explained the situation as it really was, so far as the party arrangement went:—

"We can recognize but two parties in the Territory, the pro-slavery and the anti-slavery parties. If the citizens of Kansas want to live in this community at peace and feel at home, they must become pro-slavery men; but if they want to live with gangs of thieves and robbers they must go with the Abolition party. There can be no third party, no more than two issues, slavery and no slavery, in Kansas Territory."

In a speech made by B. F. Stringfellow at St. Joseph, he was represented as saying:—

“I tell you to mark every scoundrel among you who is the least tainted with Abolitionism or Free-soilism, and exterminate him. . . . To those who have qualms of conscience as to violating laws, State or national, the time has come when such impositions must be disregarded, as your rights and property are in danger. I advise you, one and all, to enter every election district in Kansas, in defiance of Reeder and his vile myrmidons, and vote at the point of the bowie-knife and revolver. Neither give nor take quarter, as the cause demands it. It is enough that the slaveholding interest wills it, from which there is no appeal.”

In this spirit the Kansas war was inaugurated, and in this spirit were formed the “Blue Lodges” of western Missouri, and which extended in time to other Slave States with the sole purpose of harmonizing the South in the great effort, not only to establish slavery in Kansas, but also in other territory of the Union. The excitement as to Kansas affairs had extended now to all parts of the country, and had already made an impression on public affairs. The two sections were arrayed against each other. There was no halting or turning back. The conflict meant the conquest of the one or the other, the right or the wrong. In the States where elections were held this fall, they had very generally gone against the Administration, and in this condition matters were when Congress again met on the fourth day (first Monday) of December.

On the same day the President sent to that body his

### SECOND ANNUAL MESSAGE.

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

The past has been an eventful year, and will be hereafter referred to as a marked epoch in the history of the world. While we have been happily preserved from the calamities of war, our domestic prosperity has not been entirely uninterrupted. The crops in portions of the country have been nearly cut off. Disease has prevailed to a greater extent than usual, and the sacrifice of human life, through casualties by sea and land, is without parallel. But the pestilence has swept by, and restored salubrity invites the absent to their homes, and the return of business to its ordinary channels. If the earth has rewarded the labor of the husbandman less bountifully than in preceding seasons, it has left him with abundance for domestic wants, and a large surplus for exportation. In the present, therefore, as in the past, we find ample grounds for reverent thankfulness to the God of grace and providence, for his protecting care and merciful dealings with us as a people.

Although our attention has been arrested by painful interest in passing events, yet our country feels no more than the slight vibrations of the convulsions which have shaken Europe. As individuals, we can not repress sympathy with human suffering, nor regret for the causes which produce it. As a nation, we are reminded that whatever interrupts the peace, or checks the prosperity of any part of Christendom, tends, more or less, to involve our own. The condition of States is not unlike that of individuals: they are mutually dependent upon each other. Amicable relations between them, and reciprocal good-will, are essential for the promotion of whatever is desirable in their moral, social, and political condition. Hence, it has been my earnest endeavor to maintain peace and friendly intercourse with all nations.

The wise theory of this Government, so early adopted and steadily pursued, of avoiding all entangling alliances, has hitherto exempted it from many complications, in which it would

otherwise have become involved. Notwithstanding this, our clearly defined and well-sustained course of action, and our geographical position so remote from Europe, increasing disposition has been manifested by some of its governments to supervise and, in certain respects, to direct our foreign policy. In plans for adjusting the balance of power among themselves, they have assumed to take us into account, and would constrain us to conform our conduct to their views. One or another of the powers of Europe has, from time to time, undertaken to enforce arbitrary regulations, contrary in many respects to established principles of international law. That law the United States have, in their foreign intercourse, uniformly respected and observed, and they can not recognize any such interpolations therein as the temporary interests of others may suggest. They do not admit that the sovereigns of one continent, or of a particular community of States, can legislate for all others.

Leaving the transatlantic nations to adjust their political system in the way they may think best for their common well fare, the independent powers of this continent may well assert the right to be exempt from all annoying interference on their part. Systematic abstinence from intimate political connection with distant foreign nations does not conflict with giving the widest range to our foreign commerce. This distinction, so clearly marked in history, seems to have been overlooked or disregarded by some leading foreign States. Our refusal to be brought within, and subjected to, their peculiar system, has, I fear, created a jealous distrust of our conduct, and induced on their part occasional acts of disturbing effect upon our foreign relations. Our present attitude and past course give assurances, which should not be questioned, that our purposes are not aggressive nor threatening to the safety and welfare of other nations. Our military establishment in time of peace is adapted to maintain exterior defenses, and to preserve order among the aboriginal tribes within the limits of the Union. Our naval force is intended only for the protection of our citizens abroad, and of our commerce, diffused as it is over all the seas of the globe. The Government of the United States, being essentially pacific in policy, stands prepared to repel invasion by the voluntary service of a patriotic people, and provides no permanent

means of foreign aggression. These considerations should allay all apprehension that we are disposed to encroach on the rights or endanger the security of other States.

Some European powers have regarded with disquieting concern the territorial expansion of the United States. This rapid growth has resulted from the legitimate exercise of sovereign rights, belonging alike to all nations, and by many liberally exercised. Under such circumstances, it could hardly have been expected that those among them which have, within a comparatively recent period, subdued and absorbed ancient kingdoms, planted their standards on every continent, and now possess, or claim the control of, the islands of every ocean as their appropriate domain, would look with unfriendly sentiments upon the acquisitions of this country, in every instance honorably obtained, or would feel themselves justified in imputing our advancement to a spirit of aggression or to a passion for political predominance.

Our foreign commerce has reached a magnitude and extent nearly equal to that of the first maritime power of the earth, and exceeding that of any other. Over this great interest, in which not only our merchants, but all classes of citizens, at least indirectly, are concerned, it is the duty of the executive and legislative branches of the Government to exercise a careful supervision, and adopt proper measures for its protection. The policy which I have had in view, in regard to this interest embraces its future as well as its present security.

Long experience has shown that, in general, when the principal powers of Europe are engaged in war, the rights of neutral nations are endangered. This consideration led, in the progress of the War of our Independence, to the formation of the celebrated confederacy of armed neutrality, a primary object of which was to assert the doctrine that free ships make free goods, except in the case of articles contraband of war: a doctrine which, from the very commencement of our national being, has been a cherished idea of the statesmen of this country. At one period or another every maritime power has, by some solemn treaty stipulation, recognized that principle; and it might have been hoped that it would come to be universally received and respected as a rule of international law. But the refusal of one

power prevented this, and in the next great war which ensued, that of the French Revolution, it failed to be respected among the belligerent States of Europe. Notwithstanding this, the principle is generally admitted to be a sound and salutary one; so much so, that, at the commencement of the existing war in Europe, Great Britain and France announced their purpose to observe it for the present; not, however, as a recognized international right, but as a mere concession for the time being. The co-operation, however, of these two powerful maritime nations in the interest of neutral rights, appeared to me to afford an occasion inviting and justifying, on the part of the United States, a renewed effort to make the doctrine in question a principle of international law, by means of special conventions between the several powers of Europe and America. Accordingly, a proposition, embracing not only the rule that free ships make free goods, except contraband articles, but also the less contested one, that neutral property other than contraband, though on board enemy's ships, shall be exempt from confiscation, has been submitted by this Government to those of Europe and America.

Russia acted promptly in this matter, and a convention was concluded between that country and the United States, providing for the observance of the principles announced, not only as between themselves, but also as between them and all other nations which shall enter into like stipulations. None of the other powers have as yet taken final action on the subject. I am not aware, however, that any objection to the proposed stipulations has been made; but on the contrary, they are acknowledged to be essential to the security of neutral commerce, and the only apparent obstacle to their general adoption is in the possibility that it may be incumbered by inadmissible conditions.

The king of the Two Sicilies has expressed to our Minister at Naples his readiness to concur in our proposition relative to neutral rights, and to enter into a convention on that subject.

The king of Prussia entirely approves of the project of a treaty to the same effect, submitted to him, but proposes an additional article providing for the renunciation of privateering. Such an article, for most obvious reasons, is much desired by nations having naval establishments, large in proportion to their

foreign commerce. If it were adopted as an international rule, the commerce of a nation having comparatively a small naval force would be very much at the mercy of its enemy in case of war with a power of decided naval superiority. The bare statement of the condition in which the United States would be placed, after having surrendered the right to resort to privateers, in the event of war with a belligerent of naval supremacy, will show that this Government could never listen to such a proposition. The navy of the first maritime power in Europe is at least ten times as large as that of the United States. The foreign commerce of the two countries is nearly equal, and about equally exposed to hostile depredations. In war between that power and the United States, without resort on our part to our mercantile marine, the means of our enemy to inflict injury upon our commerce would be tenfold greater than ours to retaliate. We could not extricate our country from this unequal condition with such an enemy, unless we at once departed from our present peaceful policy, and became a great naval power. Nor would this country be better situated in war with one of the secondary naval powers. Though the naval disparity would be less, the greater extent and more exposed condition of our wide-spread commerce would give any of them a like advantage over us.

The proposition to enter into engagements to forego a resort to privateers, in case this country should be forced into war with a great naval power, is not entitled to more favorable consideration than would be a proposition to agree not to accept the services of volunteers for operations on land. When the honor or the rights of our country require it to assume a hostile attitude, it confidently relies upon the patriotism of its citizens, not ordinarily devoted to the military profession, to augment the army and the navy, so as to make them fully adequate to the emergency which calls them into action. The proposal to surrender the right to employ privateers is professedly founded upon the principle that private property of unoffending non-combatants, though enemies, should be exempt from the ravages of war; but the proposed surrender goes but little way in carrying out that principle, which equally requires that such private property should not be seized or molested by national ships

of war. Should the leading powers of Europe concur in proposing, as a rule of international law, to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers, the United States will readily meet them upon that broad ground.

Since the adjournment of Congress, the ratifications of the treaty between the United States and Great Britain relative to coast fisheries, and to reciprocal trade with the British North American provinces, have been exchanged, and some of its anticipated advantages are already enjoyed by us, although its full execution was to abide certain acts of legislation not yet fully performed. So soon as it was ratified, Great Britain opened to our commerce the free navigation of the river St. Lawrence, and to our fisherman unmolested access to the shores and bays, from which they had been previously excluded, on the coasts of her North American provinces; in return for which she asked for the introduction, free of duty, into the ports of the United States of the fish caught on the same coast by British fishermen. This being the compensation, stipulated in the treaty, for privileges of the highest importance and value to the United States, which were thus voluntarily yielded before it became effective, the request seemed to me to be a reasonable one; but it could not be acceded to, from want of authority to suspend our laws imposing duties upon all foreign fish. In the meantime the Treasury Department issued a regulation for ascertaining the duties paid or secured by bonds on fish caught on the coasts of the British provinces, and brought to our markets by British subjects, after the fishing-grounds had been made fully accessible to the citizens of the United States. I recommend to your favorable consideration a proposition, which will be submitted to you, for authority to refund the duties and cancel the bonds thus received. The provinces of Canada and New Brunswick have also anticipated the full operation of the treaty by legislative arrangements, respectively, to admit free of duty the products of the United States mentioned in the free list of the treaty; and an arrangement similar to that regarding British fish has been made for duties now chargeable on the products of those provinces enumerated in the same free list, and introduced therefrom into the United States; a proposition for re-

funding which will, in my judgment, be in like manner entitled to your favorable consideration.

There is difference of opinion between the United States and Great Britain as to the boundary-line of the Territory of Washington adjoining the British possessions on the Pacific, which has already led to difficulties on the part of the citizens and local authorities of the two governments. I recommend that provision be made for a commission, to be joined by one on the part of Her Britannic Majesty, for the purpose of running and establishing the line in controversy. Certain stipulations of the third and fourth articles of the treaty concluded by the United States and Great Britain in 1846, regarding possessory rights of the Hudson's Bay Company and property of the Puget's Sound Agricultural Company have given rise to serious disputes, and it is important to all concerned that summary means of settling them amicably should be devised. I have reason to believe that an arrangement can be made, on just terms, for the extinguishment of the rights in question, embracing, also, the right of the Hudson's Bay Company to the navigation of the river Columbia; and I therefore suggest to your consideration the expediency of making a contingent appropriation for that purpose.

France was the early and efficient ally of the United States in their struggle for independence. From that time to the present, with occasional slight interruptions, cordial relations of friendship have existed between the governments and people of the two countries. The kindly sentiments cherished alike by both nations have led to extensive social and commercial intercourse, which I trust will not be interrupted or checked by any casual event of an apparently unsatisfactory character. The French consul at San Francisco was, not long since, brought into the United States District Court at that place, by compulsory process, as a witness in favor of another foreign consul, in violation, as the French government conceives, of his privileges under our consular convention with France. There being nothing in the transaction which could imply any disrespect to France or its consul, such explanation has been made as, I hope, will be satisfactory. Subsequently, misunderstanding arose on the subject of the French government having, as it appeared,

abruptly excluded the American Minister to Spain from passing through France, on his way from London to Madrid. But that government has unequivocally disavowed any design to deny the right of transit to the Minister of the United States; and, after explanations to this effect, he has resumed his journey, and actually returned through France to Spain. I herewith lay before Congress the correspondence on this subject between our Envoy at Paris and the Minister of Foreign Relations of the French government.

The position of our affairs with Spain remains as at the close of your last session. Internal agitation, assuming very nearly the character of political revolution, has recently convulsed that country. The late Ministers were violently expelled from power, and men of very different views in relation to its internal affairs have succeeded. Since this change there has been no propitious opportunity to resume, and press on, negotiations for the adjustment of serious questions of difficulty between the Spanish government and the United States. There is reason to believe that our Minister will find the present government more favorably inclined than the preceding to comply with our just demands, and to make suitable arrangements for restoring harmony and preserving peace between the two countries.

Negotiations are pending with Denmark to discontinue the practice of levying tolls on our vessels and their cargoes passing through the Sound. I do not doubt that we can claim exemption therefrom as a matter of right. It is admitted on all hands that this exaction is sanctioned, not by the general principles of the law of nations, but only by special conventions, which most of the commercial nations have entered into with Denmark. The fifth article of our treaty of 1826 with Denmark provides that there shall not be paid, on the vessels of the United States and their cargoes when passing through the Sound, higher duties than those of the most favored nations. This may be regarded as an implied agreement to submit to the tolls during the continuance of the treaty, and, consequently, may embarrass the assertion of our right to be released therefrom. There are also other provisions in the treaty which ought to be modified. It was to remain in force for ten years,

and until one year after either party should give notice to the other of intention to terminate it. I deem it expedient that the contemplated notice should be given to the government of Denmark.

The naval expedition dispatched about two years since for the purpose of establishing relations with the empire of Japan has been ably and skillfully conducted to a successful termination by the officer to whom it was intrusted. A treaty, opening certain of the ports of that populous country, has been negotiated; and in order to give full effect thereto, it only remains to exchange ratifications, and to adopt requisite commercial regulations.

The treaty lately concluded between the United States and Mexico settled some of our most embarrassing difficulties with that country, but numerous claims upon it for wrongs and injuries to our citizens remained unadjusted, and many new cases have been recently added to the former list of grievances. Our legation has been earnest in its endeavors to obtain from the Mexican government a favorable consideration of these claims, but hitherto without success. This failure is probably, in some measure, to be ascribed to the disturbed condition of that country. It has been my anxious desire to maintain friendly relations with the Mexican Republic, and to cause its rights and territories to be respected, not only by our citizens, but by foreigners who have resorted to the United States for the purpose of organizing hostile expeditions against some of the States of that Republic. The defenseless condition in which its frontiers have been left has stimulated lawless adventurers to embark in these enterprises, and greatly increased the difficulty of enforcing our obligations of neutrality. Regarding it as my solemn duty to fulfill efficiently these obligations, not only towards Mexico but other foreign nations, I have exerted all the powers with which I am invested to defeat such proceedings, and bring to punishment those who, by taking a part therein, violated our laws. The energy and activity of our civil and military authorities have frustrated the designs of those who meditated expeditions of this character, except in two instances. One of these, composed of foreigners, was at first countenanced and aided by the Mexican government itself,

it having been deceived as to their real object. The other, small in number, eluded the vigilance of the magistrates at San Francisco, and succeeded in reaching the Mexican territories; but the effective measures taken by this government compelled the abandonment of the undertaking.

The commission to establish the new line between the United States and Mexico, according to the provisions of the treaty of the 30th of December last, has been organized, and the work is already commenced.

Our treaties with the Argentine Confederation, and with the Republics of Uruguay and Paraguay, secure to us the free navigation of the River La Plata, and some of its larger tributaries; but the same success has not attended our endeavors to open the Amazon. The reasons in favor of the free use of that river I had occasion to present fully, in a former message; and, considering the cordial relations which have long existed between this Government and Brazil, it may be expected that pending negotiations will eventually reach a favorable result.

Convenient means of transit between the several parts of a country are not only desirable for the objects of commercial and personal communication, but essential to its existence under one government. Separated as are the Atlantic and Pacific coasts of the United States by the whole breadth of the continent, still the inhabitants of each are closely bound together by community of origin and institutions, and by strong attachment to the Union. Hence the constant and increasing intercourse, and vast interchange of commercial productions, between these remote divisions of the Republic. At the present time the most practicable and only commodious routes for communication between them are by the way of the Isthmus of Central America. It is the duty of the Government to secure these avenues against all danger of interruption.

In relation to Central America, perplexing questions existed between the United States and Great Britain at the time of the cession of California. These, as well as questions which subsequently arose concerning inter-oceanic communication across the Isthmus, were, as it was supposed, adjusted by the treaty of April 19, 1850; but, unfortunately, they have been reopened by serious misunderstanding as to the import of some

of its provisions, a readjustment of which is now under consideration. Our Minister at London has made strenuous efforts to accomplish this desirable object, but has not yet found it possible to bring the negotiations to a termination.

As incidental to these questions, I deem it proper to notice an occurrence which happened in Central America, near the close of the last session of Congress. So soon as the necessity was perceived of establishing inter-oceanic communications across the Isthmus, a company was organized under authority of the State of Nicaragua, but composed, for the most part, of citizens of the United States, for the purpose of opening such a transit way by the River San Juan and Lake Nicaragua, which soon became an eligible and much-used route in the transportation of our citizens and their property between the Atlantic and Pacific. Meanwhile, and in anticipation of the completion and importance of this transit way, a number of adventurers had taken possession of the old Spanish port at the mouth of the River San Juan, in open defiance of the State or States of Central America, which, upon their becoming independent, had rightfully succeeded to the local sovereignty and jurisdiction of Spain. These adventurers undertook to change the name of the place from San Juan del Norte to Greytown, and, though at first pretending to act as the subjects of the fictitious sovereign of the Mosquito Indians, they subsequently repudiated the control of any power whatever, assumed to adopt a distinct political organization, and declared themselves an independent sovereign State. If, at some time, a faint hope was entertained that they might become a stable and respectable community, that hope soon vanished. They proceeded to assert unfounded claims to civil jurisdiction over Punta Arenas, a position on the opposite side of the River San Juan, which was in possession, under a title wholly independent of them, of citizens of the United States interested in the Nicaragua Transit Company, and which was indispensably necessary to the prosperous operation of that route across the Isthmus. The company resisted their groundless claims; whereupon they proceeded to destroy some of its buildings, and attempted violently to dispossess it.

At a later period they organized a strong force for the pur-

pose of demolishing the establishment at Punta Arenas, but this mischievous design was defeated by the interposition of one of our ships of war, at that time in the harbor of San Juan. Subsequently to this, in May last, a body of men from Greytown crossed over to Punta Arenas, arrogating authority to arrest, on the charge of murder, a captain of one of the steam-boats of the Transit Company. Being well aware that the claim to exercise jurisdiction there would be resisted then, as it had been on previous occasions, they went prepared to assert it by force of arms. Our Minister to Central America happened to be present on that occasion. Believing that the captain of the steamboat was innocent, for he witnessed the transaction on which the charge was founded, and believing, also, that the intruding party, having no jurisdiction over the place where they proposed to make the arrest, would encounter desperate resistance if they persisted in their purpose, he interposed effectually to prevent violence and bloodshed. The American Minister afterwards visited Greytown, and whilst he was there, a mob, including certain of the so-called public functionaries of the place, surrounded the house in which he was, avowing that they had come to arrest him by order of some person exercising the chief authority. While parleying with them he was wounded by a missile from the crowd. A boat, dispatched from the American steamer *Northern Light* to release him from the perilous situation in which he was understood to be, was fired into by the town guard, and compelled to return. These incidents, together with the known character of the population of Greytown, and their excited state, induced just apprehensions that the lives and property of our citizens at Punta Arenas would be in imminent danger after the departure of the steamer, with her passengers, for New York, unless a guard was left for their protection. For this purpose, and in order to insure the safety of passengers and property passing over the route, a temporary force was organized, at considerable expense to the United States, for which provision was made at the last session of Congress.

This pretended community, a heterogeneous assemblage gathered from various countries, and composed, for the most part, of blacks and persons of mixed blood, had previously given other indications of mischievous and dangerous propensities.

Early in the same month property was clandestinely abstracted from the depot of the Transit Company and taken to Greytown. The plunderers obtained shelter there, and their pursuers were driven back by its people, who not only protected the wrong-doers and shared the plunder, but treated with rudeness and violence those who sought to recover their property.

Such, in substance, are the facts submitted to my consideration, and proved by trustworthy evidence. I could not doubt that the case demanded the interposition of this Government. Justice required that reparation should be made for so many and such gross wrongs, and that a course of insolence and plunder, tending directly to the insecurity of the lives of numerous travelers, and of the rich treasure belonging to our citizens passing over this transit way should be peremptorily arrested. Whatever it might be in other respects, the community in question, in power to do mischief, was not despicable. It was well provided with ordnance, small arms, and ammunition, and might easily seize on the unarmed boats, freighted with millions of property, which passed almost daily within its reach. It did not profess to belong to any regular government, and had, in fact, no recognized dependence on, or connection with, any one to which the United States or their injured citizens might apply for redress, or which could be held responsible in any way for the outrages committed. Not standing before the world in the attitude of an organized political society, being neither competent to exercise the rights nor to discharge the obligations of a government, it was, in fact, a marauding establishment, too dangerous to be disregarded, and too guilty to pass unpunished, and yet incapable of being treated in any other way than as a piratical resort of outlaws, or a camp of savages, depredating on emigrant trains or caravans and the frontier settlements of civilized States.

Seasonable notice was given to the people of Greytown that this Government required them to repair the injuries they had done to our citizens, and to make suitable apology for their insult to our Minister, and that a ship-of-war would be dispatched thither to enforce compliance with these demands. But the notice passed unheeded. Thereupon, a commander of the navy, in charge of the sloop-of-war *Cyane*, was ordered to repeat the

demands, and to insist upon a compliance therewith. Finding that neither the populace, nor those assuming to have authority over them, manifested any disposition to make the required reparation, or even to offer excuse for their conduct, he warned them, by a public proclamation, that if they did not give satisfaction within a time specified he would bombard the town. By this procedure he afforded them opportunity to provide for their personal safety. To those also who desired to avoid loss of property, in the punishment about to be inflicted on the offending town, he furnished the means of removing their effects by the boats of his own ship and of a steamer which he procured and tendered to them for that purpose. At length, perceiving no disposition on the part of the town to comply with his requisitions, he appealed to the commander of Her Britannic Majesty's schooner *Bermuda*, who was seen to have intercourse and apparently much influence with the leaders among them, to interpose and persuade them to take some course calculated to save the necessity of resorting to the extreme measure indicated in his proclamation; but that officer, instead of acceding to the request, did nothing more than to protest against the contemplated bombardment. No steps of any sort were taken by the people to give the satisfaction required. No individuals, if any there were, who regarded themselves as not responsible for the misconduct of the community, adopted any means to separate themselves from the fate of the guilty. The several charges on which the demands for redress were founded had been publicly known to all for some time, and were again announced to them. They did not deny any of these charges; they offered no explanation, nothing in extenuation of their conduct; but contumaciously refused to hold any intercourse with the commander of the *Cyane*. By their obstinate silence they seemed rather desirous to provoke chastisement than to escape it. There is ample reason to believe that this conduct of wanton defiance on their part is imputable chiefly to the delusive idea that the American Government would be deterred from punishing them through fear of displeasing a formidable foreign power, which, they presumed to think, looked with complacency upon their aggressive and insulting deportment towards the United States. The *Cyane* at length fired upon the town.

Before much injury had been done the fire was twice suspended, in order to afford opportunity for an arrangement; but this was declined. Most of the buildings of the place, of little value generally, were, in the sequel, destroyed; but, owing to the considerate precautions taken by our naval commander, there was no destruction of life.

When the *Cyane* was ordered to Central America it was confidently hoped and expected that no occasion would arise for "a resort to violence and destruction of property and loss of life." Instructions to that effect were given to her commander. And no extreme act would have been requisite had not the people themselves, by their extraordinary conduct in the affair, frustrated all the possible mild measures for obtaining satisfaction. A withdrawal from the place, the object of his visit entirely defeated, would, under the circumstances in which the commander of the *Cyane* found himself, have been absolute abandonment of all claim of our citizens for indemnification, and submissive acquiescence in national indignity. It would have encouraged in these lawless men a spirit of insolence and rapine most dangerous to the lives and property of our citizens at Punta Arenas, and probably emboldened them to grasp at the treasures and valuable merchandise continually passing over the Nicaragua route. It certainly would have been most satisfactory to me if the objects of the *Cyane's* mission could have been consummated without any act of public force; but the arrogant contumacy of the offenders rendered it impossible to avoid the alternative, either to break up their establishment, or to leave them impressed with the idea that they might persevere with impunity in a career of insolence and plunder.

This transaction has been the subject of complaint on the part of some foreign powers, and has been characterized with more of harshness than of justice. If comparisons were to be instituted, it would not be difficult to present repeated instances in the history of States, standing in the very front of modern civilization, where communities far less offending and more defenseless than Greytown have been chastised with much greater severity, and where not cities only have been laid in ruins, but human life has been recklessly sacrificed, and the blood of the innocent made profusely to mingle with that of the guilty.

Passing from foreign to domestic affairs, your attention is naturally directed to the financial condition of the country, always a subject of general interest. For complete and exact information regarding the finances and the various branches of the public service connected therewith, I refer you to the report of the Secretary of the Treasury; from which it will appear that the amount of revenue during the last fiscal year, from all sources, was seventy-thrce million five hundred and forty-nine thousand seven hundred and five dollars; and that the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to fifty-one million eighteen thousand two hundred and forty-nine dollars. During the same period the payments made in redemption of the public debt, including interest and premium, amounted to twenty-four million three hundred and thirty-six thousand three hundred and eighty dollars. To the sum total of the receipts of that year is to be added a balance remaining in the treasury at the commencement thereof, amounting to twenty-one million nine hundred and forty-two thousand eight hundred and ninety-two dollars; and at the close of the same year a corresponding balance, amounting to twenty million one hundred and thirty-seven thousand nine hundred and sixty-seven dollars of receipts above expenditures, also remained in the treasury. Although, in the opinion of the Secretary of the Treasury, the receipts of the current fiscal year are not likely to equal in amount those of the last, yet they will undoubtedly exceed the amount of expenditures by at least fifteen millions of dollars. I shall, therefore, continue to direct that the surplus revenue be applied, so far as it can be judiciously and economically done, to the reduction of the public debt, the amount of which at the commencement of the last fiscal year was sixty-seven million three hundred and forty thousand six hundred and twenty-eight dollars; of which there had been paid on the 20th day of November, 1854, the sum of twenty-two million three hundred and sixty-five thousand one hundred and seventy-two dollars, leaving a balance of outstanding public debt of only forty-four million nine hundred and seventy-five thousand four hundred and fifty-six dollars, redeemable at different periods within fourteen years. There are also remnants of other Government stocks, most of

which are already due, and on which the interest has ceased, but which have not yet been presented for payment, amounting to two hundred and thirty-three thousand one hundred and seventy-nine dollars. This statement exhibits the fact that the annual income of the Government greatly exceeds the amount of its public debt, which latter remains unpaid, only because the time of payment has not yet matured, and it can not be discharged at once, except at the option of public creditors, who prefer to retain the securities of the United States; and the other fact, not less striking, that the annual revenue from all sources exceeds by many millions of dollars the amount needed for a prudent and economical administration of the Government.

The estimates presented to Congress from the different Executive Departments at the last session amounted to thirty-eight million four hundred and six thousand five hundred and eighty-one dollars; and the appropriations made, to the sum of fifty-eight million one hundred and sixteen thousand nine hundred and fifty-eight dollars. Of this excess of appropriations over estimates, however, more than twenty millions was applicable to extraordinary objects having no reference to the usual annual expenditures. Among these objects was embraced ten millions to meet the third article of the treaty between the United States and Mexico; so that, in fact, for objects of ordinary expenditure, the appropriations were limited to considerably less than forty millions of dollars. I therefore renew my recommendation for a reduction of the duties on imports. The report of the Secretary of the Treasury presents a series of tables showing the operation of the revenue system for several successive years; and as the general principle of reduction of duties with a view to revenue and not protection may now be regarded as the settled policy of the country, I trust that little difficulty will be encountered in settling the details of a measure to that effect.

In connection with this subject, I recommend a change in the laws which recent experience has shown to be essential to the protection of the Government. There is no express provision of law requiring the records and papers of a public character of the several officers of the Government to be left in their offices for the use of their successors, nor any provision declaring it felony on their part to make false entries in the

books, or return false accounts. In the absence of such express provision by law, the outgoing officers in many instances have claimed and exercised the right to take into their own possession important books and papers, on the ground that these were their private property, and have placed them beyond the reach of the Government. Conduct of this character, brought in several instances to the notice of the present Secretary of the Treasury, naturally awakened his suspicion, and resulted in the disclosure that at four ports—namely, Oswego, Toledo, Sandusky, and Milwaukee—the treasury had by false entries been defrauded, within the four years next preceding March, 1853, of the sum of one hundred and ninety-eight thousand dollars. The great difficulty with which the detection of these frauds has been attended, in consequence of the abstraction of books and papers by the retiring officers, and the facility with which similar frauds in the public service may be perpetrated, render the necessity of new legal enactments, in the respects above referred to, quite obvious. For other material modifications of the revenue laws which seem to me desirable, I refer you to the report of the Secretary of the Treasury. That report, and the tables which accompany it, furnish ample proofs of the solid foundation on which the financial security of the country rests, and of the salutary influence of the independent treasury system upon commerce and all monetary operations.

The experience of the last year furnishes additional reasons, I regret to say, of a painful character, for the recommendation heretofore made to provide for increasing the military force employed in the territory inhabited by the Indians. The settlers on the frontier have suffered much from the incursions of predatory bands, and large parties of emigrants to our Pacific possessions have been massacred with impunity. The recurrence of such scenes can only be prevented by teaching these wild tribes the power of, and their responsibility to, the United States. From the garrisons of our frontier posts, it is only possible to detach troops in small bodies; and though these have on all occasions displayed a gallantry and a stern devotion to duty which on a larger field would have commanded universal admiration, they have usually suffered severely in these conflicts with superior numbers, and have sometimes been

entirely sacrificed. All the disposable force of the army is already employed on this service, and is known to be wholly inadequate to the protection which should be afforded. The public mind of the country has been recently shocked by savage atrocities committed upon defenseless emigrants and border settlements, and hardly less by the unnecessary destruction of valuable lives, where inadequate detachments of troops have undertaken to furnish the needed aid. Without increase of the military force, these scenes will be repeated, it is to be feared, on a larger scale, and with more disastrous consequences. Congress, I am sure, will perceive that the plainest duties and responsibilities of government are involved in this question, and I doubt not that prompt action may be confidently anticipated when delay must be attended by such fearful hazards.

The bill of the last session, providing for an increase of the pay of the rank and file of the army, has had beneficial results, not only in facilitating enlistments, but in obvious improvement in the class of men who enter the service. I regret that corresponding consideration was not bestowed on the officers, who, in view of their character and services, and the expenses to which they are necessarily subject, receive at present what is, in my judgment, inadequate compensation.

The valuable services constantly rendered by the army, and its inestimable importance, as the nucleus around which the volunteer forces of the Nation can promptly gather in the hour of danger, sufficiently attest the wisdom of maintaining a military peace establishment; but the theory of our system, and the wise practice under it, require that any proposed augmentation in time of peace be only commensurate with our extended limits and frontier relations. While scrupulously adhering to this principle, I find in existing circumstances a necessity for increase of our military force, and it is believed that four new regiments, two of infantry and two of mounted men, will be sufficient to meet the present exigency. If it were necessary carefully to weigh the cost in a case of such urgency, it would be shown that the additional expense would be comparatively light.

With the increase of the numerical force of the army should, I think, be combined certain measures of reform in its organic

arrangement and administration. The present organization is the result of partial legislation often directed to special objects and interests; and the laws regulating rank and command, having been adopted many years ago from the British code, are not always applicable to our service. It is not surprising, therefore, that the system should be deficient in the symmetry and simplicity essential to the harmonious working of its several parts, and require a careful revision.

The present organization, by maintaining large staff corps or departments, separates many officers from that close connection with troops, and those active duties in the field, which are deemed requisite to qualify them for the varied responsibilities of high command. Were the duties of the army staff mainly discharged by officers detached from their regiments, it is believed that the special service would be equally well performed, and the discipline and instruction of the army be improved. While due regard to the security of the rights of officers, and to the nice sense of honor which should be cultivated among them, would seem to exact compliance with the established rule of promotion in ordinary cases, still it can hardly be doubted that the range of promotion by selection, which is now practically confined to the grade of general officers, might be somewhat extended with benefit to the public service. Observance of the rule of seniority sometimes leads, especially in time of peace, to the promotion of officers who, after meritorious and even distinguished service, may have been rendered by age or infirmity incapable of performing active duty, and whose advancement, therefore, would tend to impair the efficiency of the army. Suitable provision for this class of officers, by the creation of a retired list, would remedy the evil, without wounding the just pride of men who, by past services, have established a claim to high consideration. In again commending this measure to the favorable consideration of Congress, I would suggest that the power of placing officers on the retired list be limited to one year. The practical operation of the measure would thus be tested, and if, after the lapse of years, there should be occasion to renew the provision, it can be reproduced with any improvements which experience may indicate. The present organization of the artillery into regiments is liable to obvious objections.

The service of artillery is that of batteries, and an organization of batteries into a corps of artillery would be more consistent with the nature of their duties. A large part of the troops now called artillery are, and have been, on duty as infantry, the distinction between the two arms being merely nominal. This nominal artillery in our service is disproportionate to the whole force, and greater than the wants of the country demand. I therefore commend the discontinuance of a distinction which has no foundation in either the arms used or the character of the service expected to be performed.

In connection with the proposition for the increase of the army, I have presented these suggestions with regard to certain measures of reform, as the complement of a system which would produce the happiest results from a given expenditure, and which I hope may attract the early attention and be deemed worthy of the approval of Congress.

The recommendation of the Secretary of the Navy having reference to more ample provisions for the discipline and general improvement in the character of seamen, and for the re-organization and gradual increase of the navy, I deem eminently worthy of your favorable consideration. The principles which have controlled our policy in relation to the permanent military force by sea and land are sound, consistent with the theory of our system, and should by no means be disregarded. But, limiting the force to the objects particularly set forth in the preceding part of this message, we should not overlook the present magnitude and prospective extension of our commercial marine, nor fail to give due weight to the fact that, besides the two thousand miles of Atlantic sea-board, we have now a Pacific coast, stretching from Mexico to the British possessions in the north, teeming with wealth and enterprise and demanding the constant presence of ships-of-war. The augmentation of the navy has not kept pace with the duties properly and profitably assigned to it in time of peace, and it is inadequate for the large field of its operations, not merely in the present, but still more in the progressively increasing exigencies of the wealth and commerce of the United States. I cordially approve of the proposed apprentice system for our national vessels recommended by the Secretary of the Navy.

The occurrence during the last few months of marine disasters of the most tragic nature, involving great loss of human life, has produced intense emotions of sympathy and sorrow throughout the country. It may well be doubted whether all these calamitous events are wholly attributable to the necessary and inevitable dangers of the sea. The merchants, mariners, and ship-builders of the United States are, it is true, unsurpassed in far-reaching enterprise, skill, intelligence, and courage, by any others in the world. But with the increasing amount of our commercial tonnage in the aggregate, and the larger size and improved equipment of the ships now constructed, a deficiency in the supply of reliable seamen begins to be very seriously felt. The inconvenience may, perhaps, be met in part by due regulation for the introduction into our merchant-ships of indented apprentices; which, while it would afford useful and eligible occupation to numerous young men, would have a tendency to raise the character of seamen as a class. And it is deserving of serious reflection whether it may not be desirable to revise the existing laws for the maintenance of discipline at sea, upon which the security of life and property on the ocean must to so great an extent depend. Although much attention has already been given by Congress to the proper construction and arrangement of steam-vessels and all passenger-ships, still it is believed that the resources of science and mechanical skill in this direction have not been exhausted. No good reason exists for the marked distinction which appears upon our statutes between the laws for protecting life and property at sea and those for protecting them on land. In most of the States severe penalties are provided to punish conductors of trains, engineers, and others employed in the transportation of persons by railway or by steam-boats on rivers. Why should not the same principle be applied to acts of insubordination, cowardice, or other misconduct on the part of masters and mariners, producing injury or death to passengers on the high seas, beyond the jurisdiction of any of the States, and where such delinquencies can be reached only by the power of Congress? The whole subject is earnestly commended to your consideration.

The report of the Postmaster-General, to which you are

referred for many interesting details in relation to this important and rapidly extending branch of the public service, shows that the expenditure of the year ending June 30, 1854, including one hundred and thirty-three thousand four hundred and eighty-three dollars of balance due to foreign offices, amounted to eight million seven hundred and ten thousand nine hundred and seven dollars. The gross receipts during the same period amounted to six million nine hundred and fifty-five thousand five hundred and eighty-six dollars: exhibiting an expenditure over income of one million seven hundred and fifty-five thousand three hundred and twenty-one dollars, and a diminution of deficiency, as compared with the last year, of three hundred and sixty-one thousand seven hundred and fifty-six dollars. The increase of the revenue of the Department for the year ending June 30, 1854, over the preceding year was nine hundred and seventy thousand three hundred and ninety-nine dollars. No proportionate increase, however, can be anticipated for the current year in consequence of the act of Congress of June 23, 1854, providing for increased compensation to all postmasters. From these statements it is apparent that the Post-office Department, instead of defraying its expenses according to the design at the time of its creation, is now, and under existing laws must continue to be, to no small extent, a charge upon the general treasury. The cost of mail transportation during the year ending June 30, 1854, exceeds the cost of the preceding year by four hundred and ninety-five thousand and seventy-four dollars. I again call your attention to the subject of mail transportation by ocean steamers, and commend the suggestions of the Postmaster-General to your early attention.

During the last fiscal year eleven million seventy thousand nine hundred and thirty-five acres of the public lands have been surveyed, and eight million one hundred and ninety thousand and seventeen acres brought into market. The number of acres sold is seven million thirty-five thousand seven hundred and thirty-five, and the amount received therefor nine million two hundred and eighty-five thousand five hundred and thirty-three dollars. The aggregate amount of lands sold, located under military scrip and land-warrants, selected as swamp-lands by States, and by locating under grants for roads, is upwards

of twenty-three millions of acres. The increase of lands sold over the previous year is about six millions of acres; and the sales during the first two quarters of the current year present the extraordinary result of five and a half millions sold, exceeding by nearly four millions of acres the sales of the corresponding quarters of the last year.

The commendable policy of the Government, in relation to setting apart public domain for those who have served their country in time of war, is illustrated by the fact that since 1790 no less than thirty millions of acres have been applied to this object.

The suggestions which I submitted in my annual message of last year, in reference to grants of land in aid of the construction of railways, were less full and explicit than the magnitude of the subject and subsequent developments would seem to render proper and desirable. Of the soundness of the principle then asserted with regard to the limitation of the power of Congress, I entertain no doubt; but in its application it is not enough that the value of lands in a particular locality may be enhanced; that, in fact, a larger amount of money may probably be received in a given time for alternate sections than could have been realized for all the sections without the impulse and influence of the proposed improvements. A prudent proprietor looks beyond limited sections of his domain, beyond present results, to the ultimate effect which a particular line of policy is likely to produce upon all his possessions and interests. The Government, which is trustee in this matter for the people of the States, is bound to take the same wise and comprehensive view. Prior to and during the last session of Congress upwards of thirty millions of acres of land were withdrawn from public sale with a view to applications for grants of this character pending before Congress. A careful review of the whole subject led me to direct that all such orders be abrogated and the lands restored to market, and instructions were immediately given to that effect. The applications at the last session contemplated the construction of more than five thousand miles of road, and grants to the amount of nearly twenty millions of acres of the public domain. Even admitting the right on the part of Congress to be unquestionable, is it quite clear that the

proposed grants would be productive of good and not evil? The different projects are confined, for the present, to eleven States of this Union and one Territory. The reasons assigned for the grants show that it is proposed to put the works speedily in process of construction. When we reflect that since the commencement of the construction of railways in the United States, stimulated as they have been by the large dividends realized from the earlier works over the great thoroughfares and between the most important points of commerce and population, encouraged by State legislation, and pressed forward by the amazing energy of private enterprise, only seventeen thousand miles have been completed in all the States in a quarter of a century; when we see the crippled condition of many works commenced and prosecuted upon what were deemed to be sound principles and safe calculations; when we contemplate the enormous absorption of capital withdrawn from the ordinary channels of business, the extravagant rates of interest at this moment paid to continue operations, the bankruptcies, not merely in money but in character, and the inevitable effect upon finances generally, can it be doubted that the tendency is to run to excess in this matter?

Is it wise to augment this excess by encouraging hopes of sudden wealth expected to flow from magnificent schemes dependent upon the action of Congress? Does the spirit which has produced such results need to be stimulated or checked? Is it not the better rule to leave all these works to private enterprise, regulated, and, when expedient, aided by the co-operation of States? If constructed by private capital, the stimulant and the check go together, and furnish a salutary restraint against speculative schemes and extravagance. But it is manifest that, with the most effective guards, there is danger of going too fast and too far.

We may well pause before a proposition contemplating a simultaneous movement for the construction of railroads, which, in extent, will equal, exclusive of the great Pacific Road and all its branches, nearly one-third of the entire length of such works now completed in the United States, and which can not cost, with equipments, less than one hundred and fifty millions of dollars. The dangers likely to result from combinations of in-

terests of this character, can hardly be overestimated. But, independently of these considerations, where is the accurate knowledge, the comprehensive intelligence, which shall discriminate between the relative claims of these twenty-eight proposed roads, in eleven States and one Territory? Where will you begin, and where end? If to enable these companies to execute their proposed works it is necessary that the aid of the General Government be primarily given, the policy will present a problem so comprehensive in its bearings and so important to our political and social well-being as to claim, in anticipation, the severest analysis. Entertaining these views, I recur with satisfaction to the experience and action of the last session of Congress as furnishing assurance that the subject will not fail to elicit a careful re-examination and rigid scrutiny.

It was my intention to present on this occasion some suggestions regarding internal improvements by the General Government, which want of time at the close of the last session prevented my submitting on the return to the House of Representatives, with objections, of the bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under authority of law;" but the space in this communication already occupied with other matter of immediate public exigency constrains me to reserve that subject for a special message, which will be transmitted to the two Houses of Congress at an early day.

The judicial establishment of the United States requires modification, and certain reforms in the manner of conducting the legal business of the Government are also much needed; but as I have addressed you upon both these subjects at length before, I have only to call your attention to the suggestions then made.

My former recommendations in relation to suitable provision for various objects of deep interest to the inhabitants of the District of Columbia, are renewed. Many of these objects partake largely of a national character, and are important, independently of their relation to the prosperity of the only considerable organized community in the Union, entirely unrepresented in Congress.

I have thus presented suggestions on such subjects as appear

to me to be of particular interest or importance, and therefore most worthy of consideration during the short remaining period allotted to the labors of the present Congress.

Our forefathers of the thirteen United Colonies, in acquiring their independence, and in founding this Republic of the United States of America, have devolved upon us, their descendants, the greatest and the most noble trust ever committed to the hands of man, imposing upon all, and especially such as the public will may have invested for the time being with political functions, the most sacred obligations. We have to maintain inviolate the great doctrine of the inherent right of popular self-government; to reconcile the largest liberty of the individual citizen with complete security of the public order; to render cheerful obedience to the laws of the land, to unite in enforcing their execution, and to frown indignantly on all combinations to resist them; to harmonize a sincere and ardent devotion to the institutions of religious faith with the most universal religious toleration; to preserve the rights of all by causing each to respect those of the other; to carry forward every social improvement to the uttermost limit of human perfectibility, by the free action of mind upon mind, not by the obtrusive intervention of misapplied force; to uphold the integrity and guard the limitations of our organic law; to preserve sacred from all touch of usurpation, as the very palladium of our political salvation, the reserved rights and powers of the several States and of the people; to cherish, with loyal fealty and devoted affection, this Union, as the only sure foundation on which the hopes of civil liberty rest; to administer government with vigilant integrity and rigid economy; to cultivate peace and friendship with foreign nations, and to demand and exact equal justice from all, but to do wrong to none; to eschew intermeddling with the national policy and the domestic repose of other governments, and to repel it from our own; never to shrink from war when the rights and the honor of the country call us to arms, but to cultivate in preference the arts of peace, seek enlargement of the rights of neutrality, and elevate and liberalize the intercourse of nations; and by such just and honorable means, and such only, whilst exalting the condition of the Republic, to assure to it the legitimate influence and the

benign authority of a great example amongst all the powers of Christendom.

Under the solemnity of these convictions, the blessing of Almighty God is earnestly invoked to attend upon your deliberations, and upon all the counsels and acts of the Government, to the end that, with common zeal and common efforts, we may, in humble submission to the Divine will, co-operate for the promotion of the supreme good of these United States.

## CHAPTER XIII.

THE MESSAGE—THEORIES OF THE CONSTITUTION—THE PARTIES—THE VETOES—THE LIEUTENANT-GENERAL—THE WHIGS GO DOWN—THE KNOW-NOTHINGS.

A CONSIDERABLE part of this message is taken up by the President in a review of the recent transactions on the Mosquito Coast, and a defense of the action of Commander Hollins. But this vexatious subject and other Central American affairs will be referred to at the date of the next annual message. The proposition that “free ships make free goods” was held as a matter of considerable importance by this Administration. By the treaty with Russia heretofore mentioned, that country had conditionally recognized the theory; and France and England had signified their disposition to favor it. Mr. Buchanan, in presenting the matter to the British government, had taken up with the additional scheme of abolishing privateering. To this latter step the Administration objected at once, and to that effect Mr. Marcy wrote back to London. This would have been a fine point for England, as that nation with a navy superior to that of this country had the best of reasons for appreciating highly the privateering resources of the United States. But the Administration was not

to be caught so easily, while the message wisely says that, "should the leading powers of Europe concur in proposing, as a rule of international law, to exempt private property upon the ocean from seizure by public armed cruisers, as well as by privateers, the United States will readily meet them upon that broad ground." The President's recommendation for an increase of the army indicates the general disposition of this Administration as to the Indians, as well as the growing demands of the frontier settlements. Even the Indian commissioner, George W. Manypenny, who at a later date arraigned the general policy of the Government in dealing with the Indians, now appeared to favor a more heroic method of settling all Indian disputes.

The Administration was now most wonderfully active in its demands upon the Indians, and the Indians were correspondingly restless and dissatisfied. Especially was this the case in Kansas, where little or no respect was shown for their land rights. Emigration to the West at this period was beyond all parallel in the history of the country, and although the whole army force was employed on the frontiers, it was not sufficient. Six millions of acres of the public lands had been disposed of in 1854 more than in the previous year. The President now discusses with some caution the new channel into which the public lands were about to be turned to further the great railroad systems under projection; and with moderation refers to his known views as to the powers of Congress in reference to internal improvements.

On the 30th of December the President sent to Congress, as he had promised toward the close of the former session, and in his recent annual message, a long message giving his views on the subject of internal improvements, and sustaining his second or internal improvement veto of the 4th of August. From the earliest days of the American Union, and before the formation and adoption of the Federal Constitution, there were two theories of government among this people. The Constitution was itself a compromise, in many respects, between these theories. But to a greater extent it was the result which sprang from the necessities the failure of one of these theories had demonstrated to exist in actual practice. Many of the friends of this theory became temporarily the supporters of a constitution and a central government as the only hope of the perpetuity of the blessings they had secured by the War of the Revolution. And this was the only thing that ever did induce them, or ever could have induced them to accept the Constitution and the supreme Federal Government. All that could be granted to this theory was granted; and the Constitution was wisely framed to strike that medium between the separate communities, separated only by mathematical lines, anti-Revolutionary distinctions and modes of life, that should preserve what was desirable in these, while not essentially and practically clogging or impairing the system designed to stand above them as a national unity. So necessary was it to conciliate these theories that some degree of obscurity crept into the great

Organic Law. No sooner had the Government been fairly organized than the supporters of each theory began to interpret the Constitution by the light cast upon it from the theory they embraced and the wants it led them to cultivate. And claims were set up for the Constitution which sustained the special theory. Hence rose the two parties of strict and liberal constructionists, and finally of State Rights in contradistinction to federal or national. One of these parties became the especial patron of slavery, but lost some of its distinctive features with the overthrow of that institution. Two of these, notably, related to the home and foreign tariff and internal improvements. Still very considerable inconsistencies marked the course of both parties in retracing their steps or changing sides, in interpreting the Constitution, and in the work of Congressional legislation. The strict constructionists and their party were never more firmly or unwaveringly devoted to the Constitution than the Federalists; and finally slavery led them to disregard some of its obligations entirely, from the well-founded belief that they could not much longer maintain those Constitutional obligations and constructions which they most needed. But the theory of each of these parties has, perhaps, always been the really revered thing with it, and not the Constitution. The Constitution has been common politic ground around which all contests were fought, and which forever darkened or illumined the cry of patriotism. In devotion to the Constitution, so flourishingly called the "great palladium," etc., the scale of history does,

perhaps, not incline more to one than the other of the two great sections of the Union before the death of slavery began to unite them in one current.

From the earliest days one of these theories opposed any system of internal improvement by the General or Central Government, but favored it, in principle at least, with the communities or States. For sixty years or more its friends held out in their opposition, and were firm in their principle throughout the long term of their administration of national affairs. The argument of one Democratic President against internal improvements has been substantially that of all others, from first to last. So the same likeness runs through the arguments of their opponents from the dawn of the conflict on this subject. While there is no more ground to doubt the sincerity of one than the other, there may still be just ground of doubt as to the correctness of their positions. Time has not, perhaps, fully cleared up this matter; and few men can be found to-day who mourn the stand the Democratic Presidents occupied on this subject, or can be absolutely certain beyond a peradventure that this country was sufficiently progressed even under the younger Adams to sustain a vast debt for a magnificent system of public works.

All great and good things have been of slow development, equal only to the real demand. Even in internal improvements this may be no less true to-day when the Democratic party has ceased to be the restraining force in the Government on this point.

Looking back over the progress of a hundred

years in this country, there do not appear many startling deficiencies. The external, physical progress has been equal to the internal culture and demand. From within only does man acquire the faculty to appreciate and utilize the susceptibilities of the external world. Growth without points unerringly to growth within; and to-day neither in the world of matter nor mind do the people of this country feel any loss on account of what might have been. The development of the physical resources of the country is quite equal to the mental and social.

Again, it may be said that it does not appear that the policy of the Democratic Presidents prematurely stinted the physical development of this country; nor are the means extant to prove beyond a doubt that the theory of their opponents, carried into practice on this point, would have been right. The two theories have pulled against each other; and the selfish or evil bearings of one have been corrected by the other.

During this short session of Congress President Pierce vetoed two important bills. The first on the 17th of February, being "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the thirty-first of July, one thousand eight hundred and one." The President's message giving the grounds for his action in this case was an accurate and just presentation of all the points involved; and in it he wholly abstains from the usual method among Democratic writers of censuring the course pursued by

President John Adams in dealing with France. The Government had liquidated all the claims of her citizens against France, for which she had become responsible by the treaty of 1803 in the purchase of Louisiana from Napoleon Bonaparte; and if citizens of this country still held unsettled claims for injuries done by France before 1800, this Government was not responsible for them, as it had been especially stipulated in the treaty with the First Consul that the United States should not be held, without the consent of France, for any other claims, and that process should enter against that country as in any other case. For fifty years this matter had remained dormant, no President having had respect enough for the claims to bring it to the attention of Congress, and now when all the original complainants were dead this scheme to the amount of several millions of dollars (\$5,000,000) was brought against the Government. In the House an attempt was made to sustain the bill over the veto; but the vote fell short of the necessary two-thirds. On the 3d of March the President also vetoed the Mail-ocean-steamer Appropriation Bill, providing for a vast annual increase in the compensation to the Collins line for carrying the mail between the United States and England. The contract had been made with Edward K. Collins in 1847, and the Government had more than fulfilled its part of the obligation, at an outlay greatly beyond the income from the mail service, and in this veto the President, no doubt, took the right course. The vote on the passage of this bill had been a close one

in both Houses, and the President's course was deeply censured. The Lower House failed to pass the bill over the veto in a vote of ninety-eight ayes to seventy-nine nays. But in the Senate this bill was attached to the Naval Appropriation Bill, and was thus forced into a law at the last hour of the session.

Some little excitement was caused in Congress at this time by the course pursued by General Cass, one of the Senators from Michigan. The Legislature of that State adopted a resolution instructing its Senators in Congress to procure the passage of a law excluding slavery from Kansas and Nebraska. General Cass had previously favored obedience of the Representatives to instructions under fair circumstances; but now his party had lost control of affairs in the State, and the "circumstances altered cases." He consequently refused to obey the instructions of a Legislature with which he did not agree, and also declined to resign his seat.

On the 28th of February, 1855, the President sent to the Senate the nomination of General Scott to be lieutenant-general by brevet according to a joint resolution of Congress on the 15th of the same month, to date from March 29, 1847, the day of the taking of Vera Cruz. This "distinction" was to be conferred on one person only, and that for distinguished services. At first it was so designated and designed for General Scott for services in Mexico; and now it was well understood that the provision was intended for him, although two members of Mr. Pierce's Cab-

inet, at least, would have been glad for the Administration to escape this necessity.

The most important acts passed at this short session were : To authorize the issue of patents to public lands under certain conditions; to make appropriations for constructing military roads in Nebraska, Oregon, and Washington Territories; to make appropriations for a Territorial road in Nebraska; to authorize Hiram O. Alden and James Eddy at their own expense to construct a telegraph line from the Mississippi and Missouri Rivers to the Pacific Ocean; to establish a court of claims to investigate claims against the United States; to promote the efficiency of the navy; to provide for payment of the Texas creditors comprehended in an act of 1850; to remodel the diplomatic system; to provide for the construction of military roads in Kansas; to amend the Act of March, 1851, to reduce and modify the rates of postage; this Act continued the three-cent rate established under President Fillmore for three thousand miles and less, and ten cents for over that distance, authorized postmasters to put stamps on letters un-stamped, to charge one cent for a drop-letter not for transmission, to charge one cent for advertised letters, and to provide for registering valuable letters at five cents extra for registration; an act to regulate the carriage of passengers on vessels of various kinds; and the resolution reviving the title of lieutenant-general. This resolution was as follows:

“That the grade of lieutenant-general, and the same is hereby revived in the army of the United States, in order

that when, in the opinion of the President and Senate, it shall be deemed proper to acknowledge eminent services of a major-general of the army in the late war with Mexico, in the mode already provided for in subordinate grades, the grade of lieutenant-general may be especially conferred by brevet, and by brevet only, to take rank from the date of such service or services: *Provided*, however, that when the said grade of lieutenant-general by brevet shall have once been filled, and have become vacant, this joint resolution shall thereafter expire and be of no effect."

Since the death of Washington the title of lieutenant-general had not been applied.

On the 4th of March, 1855, Congress adjourned. Relations with England and Spain remained unsettled, and during the winter of 1854, and until the end of this Administration, various events tended greatly to continue this condition of affairs. In the spring of 1855 Cuba was in another turmoil on account of rumors of another invasion from the United States, and an insurrection at home; and the unfriendly and injurious course pursued by Spanish war vessels toward our merchant marine made it necessary for President Pierce to send a considerable naval force to the Gulf of Mexico. The presence of this Yankee squadron was sufficient to put an end to further depredations on the part of Spain for the time.

Besides the Central American differences and others for some time pending between the United States and England, an affair of considerable importance came up during the year 1855, which especially marked the spirit of the Administration. Mr. John Crampton, who had succeeded Sir Henry Lytton

Bulwer as envoy to this Government, and who was highly esteemed by Mr. Webster, became involved in the charges against British officials of recruiting Americans for the Crimean War. It appeared by the investigation of several cases that Mr. Crampton had authorized this infringement of the neutrality laws of this country. President Pierce asked his recall at once, but England declined to comply. Whereupon, in the spring of 1856, Mr. Pierce dismissed Crampton, and sent him out of the country, and the consuls at Cincinnati, Philadelphia, and New York with him. Although matters looked somewhat ominous at this juncture, the British government finally indirectly admitted the justness at least of the President's course; but Lord Napier, Mr. Crampton's successor, was not appointed for some months subsequently. Even this event was not without its influence upon the very unsettled state of parties and politics in the United States at the time.

After the election of 1852, and during the first year of the Kansas-Nebraska struggle in Congress, the Whig party kept up the semblance of its former organization, but the new issues were fast absorbing it, and under the old name it was not destined to figure further in national politics. The Kansas-Nebraska Act finished the work of disorganizing the Whig party; and that Act and the new dogma of "Popular Sovereignty" had laid the sure foundation for the division and overthrow of the Democratic party, and the undoing of their author and supporter. A great political revolution and reorganization was

now taking place throughout the country, all the ultimately permanent features of which had their origin in the Kansas-Nebraska Act and the general conduct of this Administration and its friends in Congress. This primary truth with the friends of the Administration legislation took the reverse form that, had not the Abolitionists and their Free-soil and other aiders and abettors agitated the issues sprung upon the country by the slavery interest the evils that then were, and those concealed in the future should have been spared to the Nation. Magnanimous philosophers! Wise and generous patriots! Throw down the gauntlet on the most inflammable part of the body politic, and then raise the cry of agitation! No. The day of time-serving was passed. A new era in American affairs had dawned, one in which principle and education should ride above mere party policy. Time had been slowly preparing the ground for a new political organization, and the Kansas-Nebraska Act sowed the seed from which it sprang, or supplied, at least, the last incentive to its birth. In the complete disintegration of the Whig party and the general chaotic political turmoil which followed the repeal of the "Missouri Compromise" and the legislation of the first year of President Pierce's Administration, Americanism or Nativism took its extreme leap, and for a time concealed or kept back the conflict of deep-rooted and permanent principles.

Although to Congress belongs the power of providing uniform naturalization laws, yet some of the States have pursued a course at times neither in

keeping with the spirit nor the letter of the national provision for adopting citizens from foreign countries. Since the Administration of Mr. Jefferson the general law on this subject has remained unchanged, five years being the full time of residence, and two years after a declaration of intention to become a citizen, before the immigrant can lawfully exercise the right of suffrage. From the organization of the Government this has been a matter of dispute in this country; in later years, however, it has been more a subject of private opinion than of public and party consideration.

The necessities of self-preservation forced the Government, it was claimed and believed, under President John Adams, to pass stringent measures against a certain class of daring, reckless, foreign adventurers, and so wide-spread became their evil influence as to force these measures, among which was a naturalization law requiring a residence of fourteen years, into general application. Refugees from the revolutions in Europe were disappointed in the course pursued towards them and their foreign interests by the Administrations of the American Republic, and at once, with great injustice and impertinence, became their foes. In the Jacobinic days of the Democratic party these restless foreigners became attached to it, and under its liberal provisions for citizenship, etc., the great mass of immigrants to this country floated naturally into that party. But the excitements and evils from this source in the times of Washington and the elder Adams were not soon forgotten by the native citizens. And in some respects time did not

soften the ill-feeling that was felt on the subject. It was seen that men who had never exercised the privileges granted to citizens in this country, were boisterous, exacting, and belligerent at the polls and in their political demands. This fact aided in perpetuating the jealous and dissatisfied disposition of the native citizens, especially of the Federal party, which not only gained little in the way of accessions from the foreign element, but also found itself over-powered by that element when added to the Democratic (then called Republican) opposition. Still no direct step was taken for some years toward checking the foreign political influence. Albert Gallatin, a valuable and unobjectionable man, but who was really not eligible from his being a native of Switzerland, found it necessary to resign as candidate of the Democratic (Republican) party for the Vice-Presidency in 1824. The famous Hartford Convention of 1815 complained deeply of the foreign influence. And at last, in 1835, and the two following years, a native or anti-foreign movement was made in the elections in New York City, but with no decided results. In other parts of the country the same feeling was displayed with more caution.

In 1843, when the city government of New York went into the hands of the Democratic party, a very large portion of the offices was given to the foreign citizens. This new stroke of policy displeased many Democrats, and Nativism again started up, this time led by the Democrats. The Whigs joined them, and that fall a large Native American vote was polled,

followed in the spring of 1844 by the election of the city government, including James Harper, the Native candidate for Mayor. Philadelphia also, in the fall of that year, elected a Native American government; and the Whigs who had gone to the support of the Democrats in the Native movement hoped to derive some benefit in return in New York and Pennsylvania in the Presidential election, but in this they were disappointed. The Order of "United Americans" was now formed, and although this continued to exist, it did not appear to any noticeable extent in party affairs.

In 1852 this was succeeded by the secret order of "Sons of '76," termed "Know-Nothings," from its members persistently declaring that they knew nothing of it. Its various "lodges" were represented in a general "council." But in the next few years they made no separate political movement, secretly taking their candidates from among those of the other parties, and only exhibiting their force when the ballots were counted. In this way they carried the elections in several of the States. As the Whig party fell to pieces many of its members went into the Know-Nothing for want of any other place to go, as did many of the anti-slavery and conservative Democrats after the passage of the Kansas-Nebraska Act. And now this "Order," at first secret in its workings, formed, first, on the ground of opposition to foreign influence, both from abroad and naturalized citizens at home; and, secondly, of opposition to the influence of the Catholic Church in political matters, dropped

its secret character, courted discussion, and announced its intentions to bring out a Presidential candidate of its own in 1856. And to the Kansas-Nebraska Act must, it is plain, be attributed the sudden importance and expansion of the Know-Nothing or Native American party, as well as the other things already charged to it. Although the Native American party made but one open contest for the Presidency, and that resulting to the advantage of the Democracy, perhaps its more determined and politic enemy, and the organization acquiring a sort of odium in all parties, the principles or sentiments which gave rise to it still exist, one of its sentiments especially being shared by not a few members of both of the great parties of this day. The elections in the Northern States in 1854 went to a great extent against the Administration, while the South mainly supported the Kansas-Nebraska Act. Delaware was carried by the Know-Nothings, while but one of its Congressmen (it having but one Representative and two Senators) stood with the opposition. Massachusetts elected a Know-Nothing Governor and Legislature and gave an overwhelming majority for that ticket. New Hampshire, while electing a Democratic Governor, had an Anti-Nebraska majority in the Lower Branch of the Legislature.

The Temperance question and Maine Liquor Law formed prominent features of the election this year in several States. The vote for the Maine Law in Pennsylvania was 158,342, and against it 163,510. That State elected a Whig governor, but the Know-

Nothings there "fused" with the Democrats on the Canal Commissioner, and elected him by a large majority. Mr. Benton was now dropped from the Missouri representation, and the attempt to elect a Legislature which would again return him to his old place in the United States Senate failed. Among those who greatly mourned the defeats of Mr. Benton towards the close of his life was Horace Greeley, who had usually opposed his political course. In South Carolina there was a personal contest, but no division of party, that State being wholly Democratic, with an idea of Democracy somewhat peculiar to itself. In the South the opposition still bore the name Whig, or Know-Nothing, excepting in Missouri, where they were Bentonian and Whig. In the Northern States there were Fusionists, Whigs, Know-Nothings, Anti-Nebraskaites, etc.

With some doubt as to its real political character, and amidst great excitement throughout the country, Congress again met (first session of Thirty-fourth Congress) on the 3d of December, 1855.

## CHAPTER XIV.

CONGRESS—GREAT CONTEST FOR SPEAKER OF THE HOUSE—  
THIRD ANNUAL MESSAGE.

BOOTH Houses still remained the same as at the former session numerically, the Senate having sixty-two, and the House two hundred and thirty-four members. In both branches, however, there had occurred important changes. John J. Crittenden now appeared as Senator from Kentucky, Lyman Trumbull from Illinois, James Harlan from Iowa, John P. Hale from New Hampshire, George E. Pugh from Ohio, and Jacob Collamer from Vermont. Jesse D. Bright, of Indiana, who had been chosen President of the Senate on the retirement of David R. Atchison, had been continued in that position, and that body was at once ready for business.

In the House of Representatives the case was quite different. Among the new members in this body, or those not present during the last House term, were Howell Cobb, of Georgia; Schuyler Colfax, of Indiana; Humphrey Marshall, of Kentucky; Anson Burlingame, of Massachusetts; John A. Quitman, of Mississippi; John Sherman, of Ohio, and Justin S. Morrill, of Vermont. Seventy-nine members were supposed to be reliable supporters of the Administration, as a rule; thirty-seven Whigs and

Know-Nothings were of known pro-slavery tendencies, and therefore to be put down on the same side; and one hundred and seventeen had been elected under the various distinctions as Anti-Nebraska men. In this state of affairs the election for a Speaker began, and was marked as the most wonderful struggle of the kind which had ever occurred in Congress. On the 2d of February the plurality rule was at last adopted, when on the one hundred and thirty-third ballot, Nathaniel P. Banks, Jr., of Massachusetts, was elected by one hundred and three votes, against one hundred for William Aiken, of South Carolina. There were eleven scattering votes which did not count. Banks was then declared to be elected by a vote of one hundred and fifty-five yeas to forty nays.

But a more extended account of this wonderful contest in the House may be deemed necessary here. At twelve o'clock, December 3d, John W. Forney called the House to order. The roll being called, Geo. W. Jones, of Tennessee, moved that the House proceed to the election of a Speaker *viva voce*. This was acceded to. The clerk appointed tellers, and the voting began, two hundred and twenty-five votes being cast on the first ballot as follows:—

Wm. A. Richardson (Illinois), . . . . .	74
Lewis D. Campbell (Ohio), . . . . .	53
Humphrey Marshall (Kentucky), . . . . .	30
Nathaniel P. Banks (Massachusetts), . . . . .	21
Henry M. Fuller, . . . . .	17

Sixteen others were voted for at this time, receiving from one to seven votes each. The next vote

stood 74 for Richardson, 55 for Campbell, 30 for Marshall, 22 for Banks, 18 for Fuller, with from one to seven votes for thirteen others. The third and fourth votes showed but little change, when the House adjourned. On Tuesday there were five votes taken, with no material change. On the next day Campbell mainly led the ticket, but still far short of the number necessary for election. Small votes were now cast for Felix K. Zollicoffer and others who had at first not been voted for, and others were at times dropped to be taken up again without effect. On Saturday, the 8th, the vote closed with Banks at one hundred and Richardson seventy-three. These were now the candidates on which the contest was likely to center.

On the 10th Mr. James Thorington offered the following resolution:—

*“Resolved*, That the House will proceed immediately to the election of a Speaker, *viva voce*; and if, after the roll shall have been called three times, no member shall have received a majority of the whole number of votes cast, the roll shall again be called, and the member who shall receive the largest number of votes, provided it be a majority of a quorum, shall be declared to be Speaker.”

This brought cries of “no” and “vote it down.” And after a sharp contest the resolution was withdrawn. On the 17th Mr. Thorington again offered the same resolution, but the House soon afterward adjourned. On the following morning the resolution was renewed, and pressed, but the day was spent in discussion, and on the 19th voting was renewed with-

out action on the resolution. The vote for Mr. Banks had now reached one hundred and seven, and was the highest yet given.

On the 22d of December Mr. Stanton, of Ohio, made a motion to elect a Speaker by the plurality rule, but this was laid on the table by a vote of one hundred and fourteen to one hundred and seven.

On the 26th Jonathan Knight, of Pennsylvania, introduced a resolution to settle the contest by taking the person having the highest vote and a majority of a quorum. But this was also laid on the table.

When the President sent his message to the House on the last day of the month, a long debate followed as to the usages of the Government, and the laws in the case, and it was finally decided to receive it and hold it till the House should be fully organized.

On the 2d of January Mr. Knight again brought up his resolution, which was again laid on the table. On the 15th of January Mr. Israel Washburn, of Maine, introduced substantially Mr. Knight's resolution as to the election by a plurality vote, if a quorum. But this was again laid on the table. On the 29th of January a resolution was introduced to elect a Speaker by each State casting one vote, and the person having the highest number to be considered Speaker, as in Presidential electoral colleges. This was tabled. On the 1st of February a resolution was introduced to declare Mr. Banks the Speaker of the House. This was negatived by a vote of one hundred and fifteen to one hundred and two. On the same day Howell Cobb introduced a resolution

declaring William Aiken Speaker. This was defeated by a vote of one hundred and seventeen to ninety-eight.

The Administration party now hopeful of an election by the plurality rule, on the following day Mr. Smith, of Tennessee, moved the adoption of Mr. Knight's resolution, substantially, and this was finally agreed to on the same day (February 2d) by a vote of one hundred and thirteen to one hundred and four. A motion was made to rescind this resolution, but this was defeated by one hundred and twenty-eight to eighty-three. The House now proceeded to vote, with two hundred and fifteen present, and one hundred and eight necessary to a choice, with this result:—

Banks,	102
Aiken,	93
Fuller,	14
Campbell,	4
Daniel Wells,	2

This was the one hundred and thirtieth ballot. Three more votes were taken, with this result on the one hundred and thirty-third and final vote:—

Banks,	103
Aiken,	100
Fuller,	6
Campbell,	4
Wells,	1

Better feeling was now displayed, and Mr. Aiken asked permission to lead the Speaker elect to the Chair. It was then resolved that Mr. Banks was

duly elected Speaker by the plurality rule, and that Mr. Aiken conduct him to the Chair. This resolution was substantially passed by a vote of one hundred and fifty-five to forty.

On Monday, February 4th, the members were sworn in, and a resolution passed providing for notifying the President of the organization. After some discussion as to the election of a Clerk, the following resolution was agreed to by a vote of one hundred and twenty-five to eighty-nine:—

*"Resolved,* That the Hon. William Cullom, of the State of Tennessee, be declared Clerk of the House of Representatives for the Thirty-Fourth Congress."

Throughout these exciting scenes, made more so by the display of personal animosities, Mr. Giddings was especially a butt for inflammatory speeches from Southern members, even while some of them declared him unworthy of their notice. But Giddings seldom or never lost his temper, and was really a match for any of them. In replying to a very bitter taunt and charge from Mr. Edmondson, Giddings said:—

“‘ Go, show your slaves how choleric you are,  
And make your bondmen tremble;’

but do not come here to make any imputations upon me.”

On the 20th of December Mr. Fayette McMullin, of Virginia, uttered the following extravagant and ridiculous sentiments in the course of a bitter denunciation of Joshua R. Giddings:—

“Mr. Clerk, I desire to state this proposition. I desire to state it more particularly in the hearing of the whole

Southern delegation, Whig, Democrat, and Southern American or Know-Nothing. And I hope, if any gentleman deems I do not properly represent the state of public feeling in the South, he will correct me. I want to let the country know the state of feeling in the South. And I make this declaration: that the people of the South are as one man on this slavery question. . . .

“If the Government goes into the hands of the North, into the hands of the Republican party, of the Abolition party (for I like to call things by their true names); I say if the Government of the country goes into the hands of the Abolitionists of the North, and they either repeal the Fugitive Slave Law or restore the Missouri Compromise, I tell the House, and I tell the country, that there will then be union at the South on this question. . . .

“And let me ask, gentlemen from the North, if this Union is dissolved, who holds your National Capital? Sir, it will not be like the difficulties growing out of the separation of the Methodist Church. Gentlemen know the history of that separation. When the dissolution of that Christian Church took place, their property was mostly located at the North, and the Northern portion of the Church, Shylock-like, took possession of it, and said to their Southern brethren: ‘We have got possession of your property, and we will hold on to it to the last.’ The Southern branch of the Church would not yield up their right, and they went to work and recovered their property by law. But let me say to gentlemen from the North, you can not get possession of this National Capital. The Capital now belongs to no section. It belongs alike to North, South, East, and West. But, sir, it was erected upon slave territory, and if the hand of disunion shall ever sever the States of this Republic, you shall never take possession of it while I occupy my seat as a Representative on this floor. And more, I tell them when the North and South sever the connection which now binds them together, the

North will never take possession of this Capital unless they pass over my dead body."

This singular man, whose speech brought a laugh from the members, at a later date would have been facetiously termed a "last-ditch" man.

During a speech made in the heated debates attending the election of Speaker, Felix K. Zollicoffer said :—

"My colleagues will do me the justice to say that I never dodge any issue. I take my position, and every man knows my position, and every man knows where I stand. In answer to the question, I will say, that while there is not a truer and more conscientious advocate of the Nebraska Bill anywhere, yet I did think when we had assembled here, under the peculiar circumstances I have described, that it was not a proper time to lay down sectional or party positions upon the most exciting public questions in such way as to invite the fiercest agitation. I have thought it better for national men to stand firmly together in defense of the Constitution, provoking no agitation unnecessarily, and raising no unnecessary barriers to prevent national men from acting together."

In speaking of Mr. Banks and Massachusetts, Mr. Shorter, of Alabama, said :—

"I do not believe that the State of Massachusetts, which has nullified the Fugitive Slave Law, and which has trampled under foot the rights of my constituents—I say I do not believe under the Constitution and the true theory of our Government, that the State of Massachusetts belongs to the Union. And I take this occasion to say, further, that when this House is organized, if it ever should be, I intend, if no one else does it, to introduce a resolution to the effect that no gentleman sustaining the position of the

gentleman from Massachusetts, and no Representative from that State, is entitled to hold a seat upon this floor."

This unprecedented contest for the Speakership of the House added new fuel to the already intense excitement throughout the country. And on the last day of the year the President, weary of delay, amidst the pressing demands of the hour, with one branch of Congress unorganized, and without the usual notice, sent to the Senate his

### THIRD ANNUAL MESSAGE.

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

The Constitution of the United States provides that Congress shall assemble annually on the first Monday of December, and it has been usual for the President to make no communication of a public character to the Senate and House of Representatives until advised of their readiness to receive it. I have deferred to this usage until the close of the first month of the session, but my convictions of duty will not permit me longer to postpone the discharge of the obligation enjoined by the Constitution upon the President, "to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

It is matter of congratulation that the Republic is tranquilly advancing in a career of prosperity and peace.

Whilst relations of amity continue to exist between the United States and all foreign powers, with some of them grave questions are depending, which may require the consideration of Congress.

Of such questions, the most important is that which has arisen out of the negotiations with Great Britain in reference to Central America.

By the convention concluded between the two governments on the 19th of April, 1850, both parties covenanted, that "neither

will ever" "occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

It was the undoubted understanding of the United States, in making this treaty, that all the present States of the former Republic of Central America, and the entire territory of each, would thenceforth enjoy complete independence; and that both contracting parties engaged equally, and to the same extent, for the present and for the future, that if either then had any claim of right in Central America, such claim, and all occupation or authority under it, were unreservedly relinquished by the stipulations of the convention; and that no dominion was thereafter to be exercised or assumed in any part of Central America by Great Britain or the United States.

This Government consented to restrictions in regard to a region of country, wherein we had specific and peculiar interests, only upon the conviction that the like restrictions were in the same sense obligatory on Great Britain. But for this understanding of the force and effect of the convention, it would never have been concluded by us.

So clear was this understanding on the part of the United States, that, in correspondence contemporaneous with the ratification of the convention, it was distinctly expressed that the mutual covenants of non-occupation were not intended to apply to the British establishment at the Belize. This qualification is to be ascribed to the fact that, in virtue of successive treaties with previous sovereigns of the country, Great Britain had obtained a concession of the right to cut mahogany or dye-woods at the Belize, but with positive exclusion of all domain or sovereignty; and thus it confirms the natural construction and understood import of the treaty as to all the rest of the region to which the stipulations applied.

It, however, became apparent at an early day after entering upon the discharge of my present functions, that Great Britain still continued in the exercise or assertion of large authority in all that part of Central America commonly called the Mosquito Coast, and covering the entire length of the State of Nicaragua and a part of Costa Rica; that she regarded the Belize as her absolute domain, and was gradually extending its limits at the

expense of the State of Honduras; and that she had formally colonized a considerable insular group known as the Bay Islands, and belonging, of right, to that State.

All these acts or pretensions of Great Britain, being contrary to the rights of the States of Central America and to the manifest tenor of her stipulations with the United States, as understood by this Government, have been made the subject of negotiation through the American Minister in London. I transmit herewith the instructions to him on the subject, and the correspondence between him and the British Secretary for Foreign Affairs, by which you will perceive that the two governments differ widely and irreconcilably as to the construction of the convention, and its effect on their respective relations to Central America.

Great Britain so construes the convention as to maintain unchanged all her previous pretensions over the Mosquito Coast, and in different parts of Central America. These pretensions, as to the Mosquito Coast, are founded on the assumption of political relation between Great Britain and the remnant of a tribe of Indians on that coast, entered into at a time when the whole country was a colonial possession of Spain. It can not be successfully controverted that, by the public law of Europe and America, no possible act of such Indians, or their predecessors, could confer on Great Britain any political rights.

Great Britain does not allege the assent of Spain as the origin of her claims on the Mosquito Coast. She has, on the contrary, by repeated and successive treaties, renounced and relinquished all pretensions of her own, and recognized the full and sovereign rights of Spain in the most unequivocal terms. Yet these pretensions, so without solid foundation in the beginning, and thus repeatedly abjured, were, at a recent period, revived by Great Britain against the Central American States, the legitimate successors to all the ancient jurisdiction of Spain in that region. They were first applied only to a defined part of the coast of Nicaragua; afterwards to the whole of its Atlantic coast, and lastly to a part of the coast of Costa Rica; and they are now reasserted to this extent, notwithstanding engagements to the United States.

On the eastern coast of Nicaragua and Costa Rica the interference of Great Britain, though exerted at one time in the form of military occupation of the port of San Juan del Norte, then in the peaceful possession of the appropriate authorities of the Central American States, is now presented by her as the rightful exercise of a protectorship over the Mosquito tribe of Indians.

But the establishment at the Belize, now reaching far beyond its treaty limits into the State of Honduras, and that of the Bay Islands, appertaining of right to the same State, are as distinctly colonial governments as those of Jamaica or Canada, and therefore contrary to the very letter as well as the spirit of the convention with the United States, as it was, at the time of ratification, and now is, understood by this Government.

The interpretation which the British government thus, in assertion and act, persists in ascribing to the convention entirely changes its character. While it holds us to all our obligations, it in a great measure releases Great Britain from those which constituted the consideration of this Government for entering into the convention. It is impossible, in my judgment, for the United States to acquiesce in such a construction of the respective relations of the two governments to Central America.

To a renewed call by this Government upon Great Britain to abide by and carry into effect the stipulations of the convention according to its obvious import, by withdrawing from the possession or colonization of portions of the Central American States of Honduras, Nicaragua, and Costa Rica, the British government has at length replied, affirming that the operation of the treaty is prospective only, and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.

This reply substitutes a partial issue in the place of the general one presented by the United States. The British government passes over the question of the rights of Great Britain, real or supposed, in Central America, and assumes that she had such rights at the date of the treaty, and that those rights comprehended the protectorship of the Mosquito Indians, the extended jurisdiction and limits of the Belize, and the colony of the Bay Islands, and thereupon proceeds by implication to

infer that, if the stipulations of the treaty be merely future in effect, Great Britain may still continue to hold the contested portions of Central America. The United States can not admit either the inference or the premises. We steadily deny that at the date of the treaty Great Britain had any possessions there other than the limited and peculiar establishment at the Belize, and maintain that, if she had any, they were surrendered by the convention.

This Government, recognizing the obligations of the treaty, has, of course, desired to see it executed in good faith by both parties, and in the discussion, therefore, has not looked to rights, which we might assert, independently of the treaty, in consideration of our geographical position and of other circumstances, which create for us relations to the Central American States different from those of any government of Europe.

The British government, in its last communication, although well knowing the views of the United States, still declares that it sees no reason why a conciliatory spirit may not enable the two governments to overcome all obstacles to a satisfactory adjustment of the subject.

Assured of the correctness of the construction of the treaty constantly adhered to by this Government, and resolved to insist on the rights of the United States, yet actuated also by the same desire, which is avowed by the British government, to remove all causes of serious misunderstanding between two nations associated by so many ties of interest and kindred, it has appeared to me proper not to consider an amicable solution of the controversy hopeless.

There is, however, reason to apprehend that, with Great Britain in the actual occupation of the disputed territories, and the treaty, therefore, practically null, so far as regards our rights, this international difficulty can not long remain undetermined, without involving in serious danger the friendly relations which it is the interest as well as the duty of both countries to cherish and preserve. It will afford me sincere gratification if future efforts shall result in the success anticipated heretofore with more confidence than the aspect of the case permits me now to entertain.

One other subject of discussion between the United States

and Great Britain has grown out of the attempt which the exigencies of the war in which she is engaged with Russia induced her to make, to draw recruits from the United States.

It is the traditional and settled policy of the United States to maintain impartial neutrality during the wars which from time to time occur among the great powers of the world. Performing all the duties of neutrality towards the respective belligerent States, we may reasonably expect them not to interfere with our lawful enjoyment of its benefits. Notwithstanding the existence of such hostilities, our citizens retain the individual right to continue all their accustomed pursuits, by land or by sea, at home or abroad, subject only to such restrictions in this relation as the laws of war, the usage of nations, or special treaties, may impose; and it is our sovereign right that our territory and jurisdiction shall not be invaded by either of the belligerent parties for the transit of their armies, the operations of their fleets, the levy of troops for their service, the fitting out of cruisers by or against either, or any other act or incident of war. And these undeniable rights of neutrality, individual and national, the United States will under no circumstances surrender.

In pursuance of this policy, the laws of the United States do not forbid their citizens to sell to either of the belligerent powers, articles contraband of war, or take munitions of war or soldiers on board their private ships for transportation; and although, in so doing, the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor of themselves implicate the Government. Thus, during the progress of the present war in Europe, our citizens have, without national responsibility therefor, sold gunpowder and arms to all buyers, regardless of the destination of those articles. Our merchantmen have been, and still continue to be, largely employed by Great Britain and by France in transporting troops, provisions, and munitions of war to the principal seat of military operations, and in bringing home their sick and wounded soldiers; but such use of our mercantile marine is not interdicted, either by the international or by our municipal law, and therefore does not compromit our neutral relations with Russia.

But our municipal law, in accordance with the law of nations, peremptorily forbids not only foreigners, but our own citizens, to fit out within the United States a vessel to commit hostilities against any State with which the United States are at peace, or to increase the force of any foreign armed vessel intended for such hostilities against a friendly State.

Whatever concern may have been felt by either of the belligerent powers lest private armed cruisers or other vessels in the service of one might be fitted out in the ports of this country to depredate on the property of the other, all such fears have proved to be utterly groundless. Our citizens have been withheld from any such act or purpose by good faith and by respect for the law.

While the laws of the Union are thus peremptory in their prohibition of the equipment or armament of belligerent cruisers in our ports, they provide not less absolutely that no person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered, in the service of any foreign State, either as a soldier, or as a marine or seaman on board of any vessel-of-war, letter of marque, or privateer. And these enactments are also in strict conformity with the law of nations, which declares that no State has the right to raise troops for land or sea service in another State without its consent, and that, whether forbidden by the municipal law or not, the very attempt to do it without such consent is an attack on the national sovereignty.

Such being the public rights and the municipal law of the United States, no solicitude on the subject was entertained by this Government when, a year since, the British Parliament passed an act to provide for the enlistment of foreigners in the military service of Great Britain. Nothing on the face of the act, or in its public history, indicated that the British government proposed to attempt recruitment in the United States; nor did it ever give intimation of such intention to this Government. It was matter of surprise, therefore, to find subsequently that the engagement of persons within the United States to proceed to Halifax, in the British province of Nova Scotia,

and there enlist in the service of Great Britain, was going on extensively, with little or no disguise. Ordinary legal steps were immediately taken to arrest and punish parties concerned, and so put an end to acts infringing the municipal law and derogatory to our sovereignty. Meanwhile suitable representations on the subject were addressed to the British government.

Thereupon it became known, by the admission of the British government itself, that the attempt to draw recruits from this country originated with it, or at least had its approval and sanction; but it also appeared that the public agents engaged in it had "stringent instructions" not to violate the municipal law of the United States.

It is difficult to understand how it should have been supposed that troops could be raised here by Great Britain, without violation of the municipal law. The unmistakable object of the law was to prevent every such act, which, if performed, must be either in violation of the law or in studied evasion of it; and in either alternative the act done would be alike injurious to the sovereignty of the United States.

In the meantime the matter acquired additional importance by the recruitments in the United States not being discontinued, and the disclosure of the fact that they were prosecuted upon a systematic plan devised by official authority; that recruiting rendezvous had been opened in our principal cities, and depots for the reception of recruits established on our frontier; and the whole business conducted under the supervision and by the regular co-operation of British officers, civil and military, some in the North American provinces and some in the United States. The complicity of those officers in an undertaking which could only be accomplished by defying our laws, throwing suspicion over our attitude of neutrality, and disregarding our territorial rights, is conclusively proved by the evidence elicited on the trial of such of their agents as have been apprehended and convicted. Some of the officers thus implicated are of high official position, and many of them beyond our jurisdiction, so that legal proceedings could not reach the source of the mischief.

These considerations and the fact that the cause of complaint was not a mere casual occurrence, but a deliberate design, entered upon with full knowledge of our laws and national policy,

and conducted by responsible public functionaries, impelled me to present the case to the British government, in order to secure not only a cessation of the wrong, but its reparation. The subject is still under discussion, the result of which will be communicated to you in due time.

I repeat the recommendation submitted to the last Congress, that provision be made for the appointment of a commissioner, in connection with Great Britain, to survey and establish the boundary-line which divides the Territory of Washington from the contiguous British possessions. By reason of the extent and importance of the country in dispute, there has been imminent danger of collision between the subjects of Great Britain and the citizens of the United States, including their respective authorities, in that quarter. The prospect of a speedy arrangement has contributed hitherto to induce on both sides forbearance to assert by force what each claims as a right. Continuance of delay on the part of the two governments to act in the matter will increase the dangers and difficulties of the controversy.

Misunderstanding exists as to the extent, character, and value of the possessory rights of the Hudson's Bay Company, and the property of the Puget's Sound Agricultural Company, reserved in our treaty with Great Britain relative to the Territory of Oregon. I have reason to believe that a cession of the rights of both companies to the United States, which would be the readiest means of terminating all questions, can be obtained on reasonable terms; and, with a view to this end, I present the subject to the attention of Congress.

The colony of Newfoundland having enacted the laws required by the treaty of the 5th of June, 1854, is now placed on the same footing, in respect to commercial intercourse with the United States as the other British North American provinces.

The commission which that treaty contemplated for determining the rights of fishery in rivers and mouths of rivers on the coasts of the United States and the British North American provinces, has been organized, and has commenced its labors; to complete which there is needed further appropriations for the service of another season.

In pursuance of the authority conferred by a resolution of

the Senate of the United States, passed on the 3d of March last, notice was given to Denmark on the 14th day of April of the intention of this Government to avail itself of the stipulation of the subsisting convention of friendship, commerce, and navigation between that kingdom and the United States, whereby either party might, after ten years, terminate the same at the expiration of one year from the date of notice for that purpose.

The considerations which led me to call the attention of Congress to that convention, and induced the Senate to adopt the resolution referred to, still continue in full force. The convention contains an article which, although it does not directly engage the United States to submit to the imposition of tolls on the vessels and cargoes of Americans passing into or from the Baltic Sea during the continuance of the treaty, yet may by possibility be construed as implying such submission. The exaction of those tolls not being justified by any principle of international law, it became the right and duty of the United States to relieve themselves from the implication of engagement on the subject, so as to be perfectly free to act in the premises in such way as their public interests and honor shall demand.

I remain of the opinion that the United States ought not to submit to the payment of the Sound dues, not so much because of their amount, which is a secondary matter, but because it is in effect the recognition of the right of Denmark to treat one of the great maritime highways of nations as a close sea, and prevent the navigation of it as a privilege, for which tribute may be imposed upon those who have occasion to use it.

This Government, on a former occasion not unlike the present, signalized its determination to maintain the freedom of the seas and of the great natural channels of navigation. The Barbary States had for a long time coerced the payment of tribute from all nations whose ships frequented the Mediterranean. To the last demand of such payment made by them the United States, although suffering less by their depredations than many other nations, returned the explicit answer, that we preferred war to tribute, and thus opened the way to the relief of the commerce of the world from an ignominious tax, so long submitted to by the more powerful nations of Europe.

If the manner of payment of the Sound dues differ from

that of the tribute formerly conceded to the Barbary States, still their exaction by Denmark has no better foundation in right. Each was, in its origin, nothing but a tax on a common natural right, extorted by those who were at that time able to obstruct the free and secure enjoyment of it, but who no longer possess that power.

Denmark, while resisting our assertion of the freedom of the Baltic Sound and Belts, has indicated a readiness to make some new arrangement on the subject, and has invited the governments interested, including the United States, to be represented in a convention to assemble for the purpose of receiving and considering a proposition which she intends to submit for the capitalization of the Sound dues, and the distribution of the sum to be paid as commutation among the governments according to the respective proportions of their maritime commerce to and from the Baltic. I have declined in behalf of the United States to accept this invitation, for the most cogent reasons. One is, that Denmark does not offer to submit to the convention the question of her right to levy the Sound dues. The second is, that if the convention were allowed to take cognizance of that particular question, still it would not be competent to deal with the great international principle involved which affects the right in other cases of navigation and commercial freedom, as well as that of access to the Baltic. Above all, by the express terms of the proposition it is contemplated that the consideration of the Sound dues shall be commingled with, and made subordinate to, a matter wholly extraneous—the balance of power among the governments of Europe.

While, however, rejecting this proposition, and insisting on the right of free transit into and from the Baltic, I have expressed to Denmark a willingness, on the part of the United States, to share liberally with other powers in compensating her for any advantages which commerce shall hereafter derive from expenditures made by her for the improvement and safety of the navigation of the Sound or Belts.

I lay before you, herewith, sundry documents on the subject, in which my views are more fully disclosed. Should no satisfactory arrangement be soon concluded, I shall again call your attention to the subject, with recommendation of such measures

as may appear to be required in order to assert and secure the rights of the United States, so far as they are affected by the pretensions of Denmark.

I announce with much gratification that since the adjournment of the last Congress the question then existing between this Government and that of France, respecting the French consul at San Francisco, has been satisfactorily determined, and that the relations of the two governments continue to be of the most friendly nature.

A question also which has been pending for several years between the United States and the kingdom of Greece, growing out of the sequestration, by public authorities of that country, of property belonging to the present American consul at Athens, and which had been the subject of very earnest discussion heretofore, has recently been settled to the satisfaction of the party interested and of both governments.

With Spain peaceful relations are still maintained, and some progress has been made in securing the redress of wrongs complained of by this Government. Spain has not only disavowed and disapproved the conduct of the officers who illegally seized and detained the steamer *Black Warrior* at Havana, but has also paid the sum claimed as indemnity for the loss thereby inflicted on citizens of the United States.

In consequence of a destructive hurricane which visited Cuba in 1844, the supreme authority of that island issued a decree, permitting the importation for the period of six months of certain building materials and provisions free of duty, but revoked it when about half the period only had elapsed, to the injury of citizens of the United States, who had proceeded to act on the faith of that decree. The Spanish government refused indemnification to the parties aggrieved until recently, when it was assented to, payment being promised to be made so soon as the amount due can be ascertained.

Satisfaction claimed for the arrest and search of the steamer *El Dorado* has not yet been accorded, but there is reason to believe that it will be, and that case, with others, continues to be urged on the attention of the Spanish government. I do not abandon the hope of concluding with Spain some general arrangement, which, if it do not wholly prevent the recurrence

of difficulties in Cuba, will render them less frequent, and whenever they shall occur facilitate their more speedy settlement.

The interposition of this Government has been invoked by many of its citizens, on account of injuries done to their persons and property, for which the Mexican Republic is responsible. The unhappy situation of that country for some time past has not allowed its government to give due consideration to claims of private reparation, and has appeared to call for and justify some forbearance in such matters on the part of this Government. But if the revolutionary movements which have lately occurred in that Republic end in the organization of a stable government, urgent appeals to its justice will then be made, and, it may be hoped, with success, for the redress of all complaints of our citizens.

In regard to the American Republics, which, from their proximity and other considerations, have peculiar relations to this Government, while it has been my constant aim strictly to observe all the obligations of political friendship and of good neighborhood, obstacles to this have arisen in some of them, from their own insufficient power to check lawless irruptions, which in effect throws most of the task on the United States. Thus it is that the distracted internal condition of the State of Nicaragua has made it incumbent on me to appeal to the good faith of our citizens to abstain from unlawful intervention in its affairs, and to adopt preventive measures to the same end, which, on a similar occasion, had the best results in reassuring the peace of the Mexican States of Sonora and Lower California.

Since the last session of Congress a treaty of amity, commerce, and navigation, and for the surrender of fugitive criminals, with the kingdom of the Two-Sicilies; a treaty of friendship, commerce, and navigation with Nicaragua; and a convention of commercial reciprocity with the Hawaiian kingdom, have been negotiated. The latter kingdom and the State of Nicaragua have also acceded to a declaration recognizing as international rights the principles contained in the convention between the United States and Russia, of July 22, 1854. These treaties and conventions will be laid before the Senate for ratification.

The statements made in my last annual message, respecting

the anticipated receipts and expenditures of the treasury, have been substantially verified.

It appears from the report of the Secretary of the Treasury that the receipts during the last fiscal year ending June 30, 1855, from all sources, were sixty-five million three thousand nine hundred and thirty dollars; and that the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to fifty-six million three hundred and sixty-five thousand three hundred and ninety-three dollars. During the same period the payments made in redemption of the public debt, including interest and premium, amounted to nine million eight hundred and forty-four thousand five hundred and twenty-eight dollars.

The balance in the treasury at the beginning of the present fiscal year, July 1, 1855, was eighteen million nine hundred and thirty-one thousand nine hundred and seventy-six dollars; the receipts for the first quarter, and the estimated receipts for the remaining three-quarters, amount, together, to sixty-seven million nine hundred and eighteen thousand seven hundred and thirty-four dollars, thus affording in all, as the available resources of the current fiscal year, the sum of eighty-six million eight hundred and fifty-six thousand seven hundred and ten dollars.

If to the actual expenditures of the first quarter of the current fiscal year be added the probable expenditures for the remaining three-quarters, as estimated by the Secretary of the Treasury, the sum total will be seventy-one million two hundred and twenty-six thousand eight hundred and forty-six dollars, thereby leaving an estimated balance in the treasury on July 1, 1856, of fifteen million six hundred and twenty-three thousand eight hundred and sixty-three dollars and forty-one cents.

In the above estimated expenditures of the present fiscal year are included three million dollars to meet the last installment of the ten millions provided for in the late treaty with Mexico, and seven million seven hundred and fifty thousand dollars appropriated on account of the debt due to Texas; which two sums make an aggregate amount of ten million seven hundred and fifty thousand dollars, and reduce the expenditures, actual or estimated, for ordinary objects of the year,

to the sum of sixty million four hundred and seventy-six thousand dollars.

The amount of the public debt at the commencement of the present fiscal year was forty million five hundred and eighty-three thousand six hundred and thirty-one dollars, and, deduction being made of subsequent payments, the whole public debt of the Federal Government remaining at this time is less than forty million dollars.

The remnant of certain other Government stocks, amounting to two hundred and forty-three thousand dollars, referred to in my last message as outstanding, has since been paid.

I am fully persuaded that it would be difficult to devise a system superior to that by which the fiscal business of the Government is now conducted. Notwithstanding the great number of public agents of collection and disbursement, it is believed that the checks and guards provided, including the requirement of monthly returns, render it scarcely possible for any considerable fraud on the part of those agents, or neglect involving hazard of serious public loss, to escape detection. I renew, however, the recommendation, heretofore made by me, of the enactment of a law declaring it felony on the part of public officers to insert false entries in their books of record or account, or to make false returns, and also requiring them, on the termination of their service, to deliver to their successors all books, records, and other objects of a public nature in their custody.

Derived as our public revenue is in chief part from duties on imports, its magnitude affords gratifying evidence of the prosperity not only of our commerce but of the other great interests upon which that depends.

The principle that all moneys not required for the current expenses of the Government should remain for active employment in the hands of the people, and the conspicuous fact that the annual revenue from all sources exceeds, by many millions of dollars, the amount needed for a prudent and economical administration of public affairs, can not fail to suggest the propriety of an early revision and reduction of the tariff of duties on imports. It is now so generally conceded that the purpose of revenue alone can justify the imposition of duties on imports, that, in readjusting the impost tables and schedules, which

unquestionably require essential modifications, a departure from the principles of the present tariff is not anticipated.

The army during the past year has been actively engaged in defending the Indian frontier, the state of the service permitting but few and small garrisons in our permanent fortifications. The additional regiments authorized at the last session of Congress have been recruited and organized, and a large portion of the troops have already been sent to the field. All the duties which devolve on the military establishment have been satisfactorily performed, and the dangers and privations incident to the character of the service required of our troops have furnished additional evidence of their courage, zeal, and capacity to meet any requisition which their country may make upon them. For the details of the military operations, the distribution of the troops, and additional provisions required for the military service, I refer to the report of the Secretary of War and the accompanying documents.

Experience gathered from events which have transpired since my last annual message has but served to confirm the opinion then expressed of the propriety of making provision, by a retired list, for disabled officers and for increased compensation to the officers retained on the list for active duty. All the reasons which existed when these measures were recommended on former occasions continued without modification, except so far as circumstances have given to some of them additional force.

The recommendations heretofore made for a partial reorganization of the army are also renewed. The thorough elementary education given to those officers who commence their service with the grade of cadet, qualifies them, to a considerable extent, to perform the duties of every arm of the service; but to give the highest efficiency to artillery requires the practice and special study of many years; and it is not, therefore, believed to be advisable to maintain, in time of peace, a larger force of that arm than can be usually employed in the duties appertaining to the service of field and siege artillery. The duties of the staff in all its various branches belong to the movements of troops, and the efficiency of an army in the field would materially depend upon the ability with which those duties are

discharged. It is not, as in the case of the artillery, a specialty, but requires, also, an intimate knowledge of the duties of an officer of the line, and it is not doubted that, to complete the education of an officer for either the line or the general staff, it is desirable that he shall have served in both. With this view, it was recommended on a former occasion that the duties of the staff should be mainly performed by details from the line; and, with conviction of the advantages which would result from such a change, it is again presented for the consideration of Congress.

The report of the Secretary of the Navy, herewith submitted, exhibits in full the naval operations of the past year, together with the present condition of the service, and it makes suggestions of further legislation, to which your attention is invited.

The construction of the six steam frigates, for which appropriations were made by the last Congress, has proceeded in the most satisfactory manner, and with such expedition as to warrant the belief that they will be ready for service early in the coming spring. Important as this addition to our naval force is, it still remains inadequate to the contingent exigencies of the protection of the extensive sea-coast and vast commercial interests of the United States. In view of this fact, and of the acknowledged wisdom of the policy of a gradual and systematic increase of the navy, an appropriation is recommended for the construction of six steam sloops of war.

In regard to the steps taken in execution of the act of Congress to promote the efficiency of the navy, it is unnecessary for me to say more than to express entire concurrence in the observations on that subject presented by the Secretary in his report.

It will be perceived by the report of the Postmaster-General that the gross expenditure of the Department for the last fiscal year was nine million nine hundred and sixty-eight thousand three hundred and forty-two dollars, and the gross receipts seven million three hundred and forty-two thousand one hundred and thirty-six dollars—making an excess of expenditure over receipts of two million six hundred and twenty-six thousand two hundred and six dollars; and that the cost of mail transportation during

that year was six hundred and seventy-four thousand nine hundred and fifty-two dollars greater than the previous year. Much of the heavy expenditures to which the treasury is thus subjected, is to be ascribed to the large quantity of printed matter conveyed by the mails, either franked, or liable to no postage by law, or to very low rates of postage compared with that charged on letters, and to the great cost of mail service on railroads and by ocean steamers. The suggestions of the Postmaster-General on the subject deserve the consideration of Congress.

The report of the Secretary of the Interior will engage your attention as well for the useful suggestions it contains as for the interest and importance of the subjects to which they refer.

The aggregate amount of public land sold during the last fiscal year, located with military scrip or land-warrants, taken up under grants for roads, and selected as swamp-lands by States, is twenty-four million five hundred and fifty-seven thousand four hundred and nine acres; of which the portion sold was fifteen million seven hundred and twenty-nine thousand five hundred and twenty-four acres, yielding in receipts the sum of eleven million four hundred and eighty-five thousand three hundred and eighty dollars. In the same period of time, eight million seven hundred and twenty-three thousand eight hundred and fifty-four acres have been surveyed; but, in consideration of the quantity already subject to entry, no additional tracts have been brought into market.

The peculiar relation of the General Government to the District of Columbia renders it proper to commend to your care not only its material, but also its moral interests, including education, more especially in those parts of the District outside of the cities of Washington and Georgetown.

The commissioners appointed to revise and codify the laws of the District have made such progress in the performance of their task, as to insure its completion in the time prescribed by the Act of Congress.

Information has recently been received that the peace of the settlements in the Territories of Oregon and Washington is disturbed by hostilities on the part of the Indians, with indications of extensive combinations of a hostile character among the

tribes in that quarter, the more serious in their possible effect by reason of the undetermined foreign interests existing in those Territories, to which your attention has already been especially invited. Efficient measures have been taken, which, it is believed, will restore quiet and afford protection to our citizens.

In the Territory of Kansas there have been acts prejudicial to good order, but as yet none have occurred under circumstances to justify the interposition of the Federal Executive. That could only be in case of obstruction to Federal law, or of organized resistance to Territorial law, assuming the character of insurrection, which, if it should occur, it would be my duty promptly to overcome and suppress. I cherish the hope, however, that the occurrence of any such untoward event will be prevented by the sound sense of the people of the Territory, who, by its organic law, possessing the right to determine their own domestic institutions, are entitled, while deporting themselves peacefully, to the free exercise of that right, and must be protected in the enjoyment of it, without interference on the part of the citizens of any of the States.

The southern boundary-line of this Territory has never been surveyed and established. The rapidly extending settlements in that region, and the fact that the main route between Independence, in the State of Missouri, and New Mexico, is contiguous in this line, suggest the probability that embarrassing questions of jurisdiction may consequently arise. For these and other considerations, I commend the subject to your early attention.

I have thus passed in review the general state of the Union, including such particular concerns of the Federal Government, whether of domestic or foreign relation, as it appeared to me desirable and useful to bring to the special notice of Congress. Unlike the great States of Europe and Asia, and many of those of America, these United States are wasting their strength neither in foreign war nor domestic strife. Whatever of discontent or public dissatisfaction exists is attributable to the imperfections of human nature, or is incident to all governments, however perfect, which human wisdom can devise. Such subjects of political agitation as occupy the public mind, consist, to a great extent, of exaggeration of inevitable evils, or over-

zeal in social improvement, or mere imagination of grievance, having but remote connection with any of the Constitutional functions or duties of the Federal Government. To whatever extent these questions exhibit a tendency menacing to the stability of the Constitution or the integrity of the Union, and no farther, they demand the consideration of the Executive, and require to be presented by him to Congress.

Before the thirteen colonies became a confederation of independent States, they were associated only by community of transatlantic origin, by geographical position, and by the mutual tie of common dependence on Great Britain. When that tie was sundered they severally assumed the powers and rights of absolute self-government. The municipal and social institutions of each, its laws of property and of personal relation, even its political organization, were such only as each one chose to establish, wholly without interference from any other. In the language of the Declaration of Independence, each State had "full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do." The several colonies differed in climate, in soil, in natural productions, in religion, in systems of education, in legislation, and in the forms of political administration; and they continued to differ in these respects when they voluntarily allied themselves, as States, to carry on the War of the Revolution.

The object of that war was to disenthral the United Colonies from foreign rule, which had proved to be oppressive, and to separate them permanently from the mother country; the political result was the foundation of a Federal Republic of the free white men of the colonies, constituted, as they were, in distinct and reciprocally independent State governments. As for the subject races, whether Indian or African, the wise and brave statesmen of that day, being engaged in no extravagant scheme of social change, left them as they were, and thus preserved themselves and their posterity from the anarchy and the ever-recurring civil wars which have prevailed in other revolutionized European colonies of America.

When the confederated States found it convenient to modify the conditions of their association, by giving to the General

Government direct access, in some respects, to the people of the States, instead of confining it to action on the States as such, they proceeded to frame the existing Constitution, adhering steadily to one guiding thought, which was, to delegate only such power as was necessary and proper to the execution of specific purposes, or, in other words, to retain as much as possible, consistently with those purposes, of the independent powers of the individual States. For objects of common defense and security, they intrusted to the General Government certain carefully defined functions, leaving all others as the undelegated rights of the separate independent sovereignties.

Such is the Constitutional theory of our Government, the practical observance of which has carried us, and us alone, among modern republics, through nearly three generations of time without the cost of one drop of blood shed in civil war. With freedom and concert of action, it has enabled us to contend successfully on the battle-field against foreign foes, has elevated the feeble colonies into powerful States, and has raised our industrial productions, and our commerce which transports them, to the level of the richest and the greatest nations of Europe. And the admirable adaptation of our political institutions to their objects, combining local self-government with aggregate strength, has established the practicability of a Government like ours to cover a continent with confederate States.

The Congress of the United States is, in effect, that congress of sovereignties, which good men in the Old World have sought for, but could never attain, and which imparts to America an exemption from the mutable leagues for common action, from the wars, the mutual invasions, and vague aspirations after the balance of power, which convulse from time to time the governments of Europe. Our co-operative action rests in the conditions of permanent confederation prescribed by the Constitution. Our balance of power is in the separate reserved rights of the States, and their equal representation in the Senate. That independent sovereignty in every one of the States, with its reserved rights of local self-government assured to each by their co-equal power in the Senate, was the fundamental condition of the Constitution. Without it the Union would never have existed. However desirous the larger States might be to

reorganize the Government so as to give to their population its proportionate weight in the common counsels, they knew it was impossible, unless they conceded to the smaller ones authority to exercise at least a negative influence on all the measures of the Government, whether legislative or executive, through their equal representation in the Senate. Indeed, the larger States themselves could not have failed to perceive that the same power was equally necessary to them for the security of their own domestic interests against the aggregate force of the General Government. In a word, the original States went into this permanent league on the agreed premises of exerting their common strength for the defense of the whole, and of all its parts; but of utterly excluding all capability of reciprocal aggression. Each solemnly bound itself to all the others neither to undertake, nor permit, any encroachment upon, or intermeddling with, another's reserved rights.

Where it was deemed expedient, particular rights of the States were expressly guaranteed by the Constitution; but, in all things besides, these rights were guarded by the limitation of the powers granted, and by express reservation of all powers not granted, in the compact of Union. Thus the great power of taxation was limited to purposes of common defense and general welfare, excluding objects appertaining to the local legislation of the several States; and those purposes of general welfare and common defense were afterwards defined by specific enumeration as being matters only of corelation between the States themselves, or between them and foreign governments, which, because of their common and general nature, could not be left to the separate control of each State.

Of the circumstances of local condition, interest, and rights in which a portion of the States, constituting one great section of the Union, differed from the rest, and from another section, the most important was the peculiarity of a larger relative colored population in the Southern than in the Northern States.

A population of this class, held in subjection, existed in nearly all the States, but was more numerous and of more serious concernment in the South than in the North, on account of natural differences of climate and production; and it was foreseen that, for the same reasons, while this population would

diminish, and, sooner or later, cease to exist in some States, it might increase in others. The peculiar character and magnitude of this question of local rights, not in material relations only, but still more in social ones, caused it to enter into the special stipulations of the Constitution.

Hence, while the General Government, as well by the enumerated powers granted to it as by those not enumerated, and therefore refused to it, was forbidden to touch this matter in the sense of attack or offense, it was placed under the general safeguard of the Union, in the sense of defense against either invasion or domestic violence, like all other local interests of the several States. Each State expressly stipulated, as well for itself as for each and all of its citizens, and every citizen of each State became solemnly bound by his allegiance to the Constitution, that any person held to service or labor in one State, escaping into another, should not, in consequence of any law or regulation thereof, be discharged from such service or labor, but should be delivered up on claim of the party to whom such service or labor might be due by the laws of his State.

Thus, and thus only, by the reciprocal guarantee of all the rights of every State against interference on the part of another, was the present form of Government established by our fathers and transmitted to us; and by no other means is it possible for it to exist. If one State ceases to respect the rights of another, and obtrusively intermeddles with its local interests; if a portion of the States assume to impose their institutions on the others, or refuse to fulfill their obligations to them, we are no longer united friendly States, but distracted, hostile ones, with little capacity left of common advantage, but abundant means of reciprocal injury and mischief.

Practically, it is immaterial whether aggressive interference between the States, or deliberate refusal on the part of any one of them to comply with Constitutional obligations, arise from erroneous conviction or blind prejudice, whether it be perpetrated by direction or indirection. In either case, it is full of threat and of danger to the durability of the Union.

Placed in the office of Chief Magistrate as the Executive agent of the whole country, bound to take care that the laws be faithfully executed, and specially enjoined by the Constitu-

tion to give information to Congress on the state of the Union, it would be palpable neglect of duty on my part to pass over a subject like this, which, beyond all things, at the present time vitally concerns individual and public security.

It has been matter of painful regret to see States conspicuous for their services in founding this Republic, and equally sharing its advantages, disregard their Constitutional obligations to it. Although conscious of their inability to heal admitted and palpable social evils of their own, and which are completely within their jurisdiction, they engage in the offensive and hopeless undertaking of reforming the domestic institutions of other States wholly beyond their control and authority. In the vain pursuit of ends, by them entirely unattainable, and which they may not legally attempt to compass, they peril the very existence of the Constitution and all the countless benefits which it has conferred. While the people of the Southern States confine their attention to their own affairs, not presuming officiously to intermeddle with the social institutions of the Northern States, too many of the inhabitants of the latter are permanently organized in associations to inflict injury on the former, by wrongful acts, which would be cause of war as between foreign powers, and only fail to be such in our system because perpetrated under cover of the Union.

Is it possible to present this subject as truth and the occasion require, without noticing the reiterated but groundless allegation that the South has persistently asserted claims and obtained advantages in the practical administration of the General Government, to the prejudice of the North, and in which the latter has acquiesced? That is, the States which either promote or tolerate attacks on the rights of persons and of property in other States, to disguise their own injustice, pretend or imagine, and constantly aver, that they, whose Constitutional rights are thus systematically assailed, are themselves the aggressors. At the present time this imputed aggression, resting, as it does, only in the vague declamatory charges of political agitators, resolves itself into misapprehension, or misinterpretation, of the principles and facts of the political organization of the new Territories of the United States.

What is the voice of history? When the ordinance which

provided for the government of the territory northwest of the river Ohio, and for its eventual subdivision into new States, was adopted in the Congress of the confederation, it is not to be supposed that the question of future relative power, as between the States which retained and those which did not retain a numerous colored population, escaped notice or failed to be considered. And yet the concession of that vast territory to the interests and opinions of the Northern States, a territory now the seat of five among the largest members of the Union, was, in great measure, the act of the State of Virginia and of the South.

When Louisiana was acquired by the United States, it was an acquisition not less to the North than to the South; for while it was important to the country at the mouth of the river Mississippi to become the emporium of the country above it, so also it was even more important to the whole Union to have that emporium; and although the new province, by reason of its imperfect settlement, was mainly regarded as on the Gulf of Mexico, yet, in fact, it extended to the opposite boundaries of the United States, with far greater breadth above than below, and was in territory, as in everything else, equally at least an accession to the Northern States. It is mere delusion and prejudice, therefore, to speak of Louisiana as acquisition in the special interest of the South.

The patriotic and just men who participated in that act were influenced by motives far above all sectional jealousies. It was in truth the great event, which, by completing for us the possession of the valley of the Mississippi, with commercial access to the Gulf of Mexico, imparted unity and strength to the whole confederation, and attached together by indissoluble ties the East and the West, as well as the North and the South.

As to Florida, that was but the transfer by Spain to the United States of territory on the east side of the river Mississippi, in exchange for large territory which the United States transferred to Spain on the west side of that river, as the entire diplomatic history of the transaction serves to demonstrate. Moreover, it was an acquisition demanded by the commercial interests and the security of the whole Union.

In the meantime the people of the United States had grown

up to a proper consciousness of their strength, and in a brief contest with France, and in a second serious war with Great Britain, they had shaken off all which remained of undue reverence for Europe, and emerged from the atmosphere of those transatlantic influences which surrounded the infant Republic, and had begun to turn their attention to the full and systematic development of the internal resources of the Union.

Among the evanescent controversies of that period the most conspicuous was the question of regulation by Congress of the social condition of the future States to be founded in the Territory of Louisiana.

The ordinance for the government of the territory northwest of the river Ohio had contained a provision which prohibited the use of servile labor therein, subject to the condition of the extradition of fugitives from service due in any other part of the United States. Subsequently to the adoption of the Constitution, this provision ceased to remain as a law; for its operation as such was absolutely superseded by the Constitution. But the recollection of the fact excited the zeal of social propagandism in some sections of the confederation; and, when a second State, that of Missouri, came to be formed in the Territory of Louisiana, proposition was made to extend to the latter Territory the restriction originally applied to the country situated between the rivers Ohio and Mississippi.

Most questionable as was this proposition in all its Constitutional relations, nevertheless it received the sanction of Congress, with some slight modifications of line, to save the existing rights of the intended new State. It was reluctantly acquiesced in by Southern States as a sacrifice to the cause of peace and of the Union, not only of the rights stipulated by the treaty of Louisiana, but of the principle of equality among the States guaranteed by the Constitution. It was received by the Northern States with angry and resentful condemnation and complaint, because it did not concede all which they had exactingly demanded. Having passed through the forms of legislation, it took its place in the statute-book, standing open to repeal, like any other act of doubtful Constitutionality, subject to be pronounced null and void by the courts of law, and possessing no possible efficacy to control the rights of the States which might

thereafter be organized out of any part of the original Territory of Louisiana.

In all this, if any aggression there were, any innovation upon pre-existing rights, to which portion of the Union are they justly chargeable?

This controversy passed away with the occasion, nothing surviving it save the dormant letter of the statute.

But long afterwards when, by the proposed accession of the Republic of Texas, the United States were to take their next step in territorial greatness, a similar contingency occurred, and became the occasion for systematized attempts to intervene in the domestic affairs of one section of the Union, in defiance of their rights as States, and of the stipulations of the Constitution. These attempts assumed a practical direction, in the shape of persevering endeavors by some of the Representatives in both Houses of Congress to deprive the Southern States of the supposed benefit of the provisions of the act authorizing the organization of the State of Missouri.

But the good sense of the people, and the vital force of the Constitution, triumphed over sectional prejudice and the political errors of the day, and the State of Texas returned to the Union as she was, with social institutions which her people had chosen for themselves, and with express agreement, by the re-annexing act, that she should be susceptible of subdivision into a plurality of States.

Whatever advantage the interests of the Southern States, as such, gained by this, were far inferior in results, as they unfolded in the progress of time, to those which sprang from previous concessions made by the South.

To every thoughtful friend of the Union ; to the true lovers of their country ; to all who longed and labored for the full success of this great experiment of republican institutions, it was cause of gratulation that such an opportunity had occurred to illustrate our advancing power on this continent, and to furnish to the world additional assurance of the strength and stability of the Constitution. Who would wish to see Florida still an European Colony ? Who would rejoice to hail Texas as a lone star, instead of one in the galaxy of States ? Who does not appreciate the incalculable benefits of the acquisition of Louis-

iana? And yet narrow views and sectional purposes would inevitably have excluded them all from the Union.

But another struggle on the same point ensued when our victorious armies returned from Mexico, and it devolved on Congress to provide for the territories acquired by the treaty of Guadalupe-Hidalgo. The great relations of the subject had now become distinct and clear to the perception of the public mind, which appreciated the evils of sectional controversy upon the question of the admission of new States. In that crisis intense solicitude pervaded the Nation. But the patriotic impulses of the popular heart, guided by the admonitory advice of the Father of his Country, rose superior to all the difficulties of the incorporation of a new empire into the Union. In the counsels of Congress there was manifested extreme antagonism of opinion and action between some Representatives, who sought by the abusive and unconstitutional employment of the legislative powers of the Government to interfere in the condition of the inchoate States, and to impose their own social theories upon the latter, and other Representatives, who repelled the interposition of the General Government in this respect, and maintained the self-constituting rights of the States. In truth, the thing attempted was, in form alone, action of the General Government, while in reality it was the endeavor, by abuse of legislative power, to force the ideas of international policy entertained in particular States upon allied independent States. Once more the Constitution and the Union triumphed signally. The new Territories were organized without restrictions on the disputed point, and were thus left to judge in that particular for themselves; and the sense of Constitutional faith proved vigorous enough in Congress, not only to accomplish this primary object, but also the incidental and hardly less important one of so amending the provisions of the statute for the extradition of fugitives from service as to place that public duty under the safeguard of the General Government, and thus relieve it from obstacles raised up by the legislation of some of the States.

Vain declamation regarding the provisions of law for the extradition of fugitives from service, with occasional episodes of frantic effort to obstruct their execution by riot and murder,

continued for a brief time to agitate certain localities. But the true principle, of leaving each State and Territory to regulate its own laws of labor according to its own sense of right and expediency, had acquired fast hold of the public judgment, to such a degree that, by common consent, it was observed in the organization of the Territory of Washington.

When, more recently, it became requisite to organize the Territories of Nebraska and Kansas, it was the natural and legitimate, if not the inevitable, consequence of previous events and legislation, that the same great and sound principle, which had already been applied to Utah and New Mexico, should be applied to them—that they should stand exempt from the restrictions proposed in the act relative to the State of Missouri.

These restrictions were, in the estimation of many thoughtful men, null from the beginning, unauthorized by the Constitution, contrary to the treaty stipulations for the cession of Louisiana, and inconsistent with the equality of these States.

They had been stripped of all moral authority by persistent efforts to procure their indirect repeal through contradictory enactments. They had been practically abrogated by the legislation attending the organization of Utah, New Mexico, and Washington. If any vitality remained in them, it would have been taken away, in effect, by the new Territorial acts, in the form originally proposed to the Senate at the first session of the last Congress. It was manly and ingenuous, as well as patriotic and just, to do this directly and plainly, and thus relieve the statute-book of an act which might be of possible future injury, but of no possible future benefit; and the measure of its repeal was the final consummation and complete recognition of the principle, that no portion of the United States shall undertake, through assumption of the powers of the General Government, to dictate the social institutions of any other portion.

The scope and effect of the language of repeal were not left in doubt. It was declared, in terms, to be “the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.”

The measure could not be withheld upon its merits alone. It was attacked with violence on the false or delusive pretext that it constituted a breach of faith. Never was objection more utterly destitute of substantial justification. When before was it imagined by sensible men that a regulative or declarative statute, whether enacted ten or forty years ago, is irrepealable; that an Act of Congress is above the Constitution? If, indeed, there were in the facts any cause to impute bad faith, it would attach to those only who have never ceased, from the time of the enactment of the restrictive provision to the present day, to denounce and condemn it; who have constantly refused to complete it by needful supplementary legislation; who have spared no exertion to deprive it of moral force; who have themselves again and again attempted its repeal by the enactment of incompatible provisions; and who, by the inevitable reactionary effect of their own violence on the subject, awakened the country to perception of the true Constitutional principle of leaving the matter involved to the discretion of the people of the respective existing or incipient States.

It is not pretended that this principle, or any other, precludes the possibility of evils in practice, disturbed as political action is liable to be by human passions. No form of government is exempt from inconveniences; but in this case they are the result of the abuse, and not of the legitimate exercise, of the powers reserved or conferred in the organization of a Territory. They are not to be charged to the great principle of popular sovereignty; on the contrary, they disappear before the intelligence and patriotism of the people, exerting through the ballot-box their peaceful and silent but irresistible power.

If the friends of the Constitution are to have another struggle, its enemies could not present a more acceptable issue than that of a State, whose constitution clearly embraces "a republican form of government," being excluded from the Union because its domestic institutions may not in all respects comport with the ideas of what is wise and expedient entertained in some other State. Fresh from groundless imputations of breach of faith against others, men will commence the agitation of this new question with indubitable violation of an express compact between the independent sovereign powers of the United

States and of the Republic of Texas, as well as of the older and equally solemn compacts, which assure the equality of all the States.

But deplorable as would be such a violation of compact in itself, and in all its direct consequences, that is the very least of the evils involved. When sectional agitators shall have succeeded in forcing on this issue, can their pretensions fail to be met by counter pretensions? Will not different States be compelled, respectively, to meet extremes with extremes? And if either extreme carry its point, what is that so far forth but dissolution of the Union? If a new State, formed from the territory of the United States, be absolutely excluded from admission therein, that fact of itself constitutes the disruption of union between it and the other States. But the process of dissolution could not stop there. Would not a sectional decision, producing such result by a majority of votes, either Northern or Southern, of necessity drive out the oppressed and aggrieved minority, and place in presence of each other two irreconcilably hostile confederations?

It is necessary to speak thus plainly of projects, the offspring of that sectional agitation now prevailing in some of the States, which are as impracticable as they are unconstitutional, and which, if persevered in, must and will end calamitously. It is either disunion and civil war, or it is mere angry, idle, aimless disturbance of public peace and tranquillity. Disunion for what? If the passionate rage of fanaticism and partisan spirit did not force the fact upon our attention, it would be difficult to believe that any considerable portion of the people of this enlightened country could have so surrendered themselves to a fanatical devotion to the supposed interests of the relatively few Africans in the United States, as totally to abandon and disregard the interests of the twenty-five millions of Americans; to trample under foot the injunctions of moral and Constitutional obligation, and to engage in plans of vindictive hostility against those who are associated with them in the enjoyment of the common heritage of our national institutions.

Nor is it hostility against their fellow-citizens of one section of the Union alone. The interests, the honor, the duty, the peace, and the prosperity of the people of all sections are equally

involved and imperiled in this question. And are patriotic men in any part of the Union prepared, on such issue, thus madly to invite all the consequences of the forfeiture of their Constitutional engagements? It is impossible. The storm of frenzy and faction must inevitably dash itself in vain against the unshaken rock of the Constitution. I shall never doubt it. I know that the Union is stronger a thousand times than all the wild and chimerical schemes of social change, which are generated, one after another, in the unstable minds of visionary sophists and interested agitators. I rely confidently on the patriotism of the people, on the dignity and self-respect of the States, on the wisdom of Congress, and, above all, on the continued gracious favor of Almighty God, to maintain against all enemies, whether at home or abroad, the sanctity of the Constitution and the integrity of the Union.

## CHAPTER XV.

THE MESSAGE—MORE VETOES—GATHERING DIFFICULTIES—WALKER, THE FILIBUSTER—CENTRAL AMERICA AND ITS NEW CIVILIZATION—THE FILIBUSTER MAINTAINED IN THE PLATFORM AT CINCINNATI.

THIS remarkable message starts out with the “congratulation that the Republic is tranquilly advancing in a career of prosperity and peace,” an assertion which must have, to a great extent, sounded as strangely at that day as it does now. So far as internal, or even external, tranquillity was concerned, then, or prospectively, the facts hardly justified the statement, which must be regarded as the expression of the President’s desire more than the record of a historic truth. The discussion of foreign relations which now follows is extremely plain with a lawyer’s touch of argumentation.

The latter half of the message is a defensive argument, which it may, perhaps, be difficult to read now for the first time, without mixed feelings of disappointment and amazement. To reconcile it to a court of “justice,” or even to the Halls of Congress, would certainly be an easier task. The President handles the whole irritating subject of sectional strife with an utter absence of that native delicacy and refinement which this work has attributed to him, a

fact no doubt greatly owing to Cabinet modifications. There is not only a free selection of those doubtful and inflammable terms, *sectionalists*, *extremists*, *agitators*, *fanatics*, *passionate rage*, *sectional agitation*, *partisan spirit*, *vindictive hostility*, *visionary sophists*, *false pretext*, etc.; but also a careful adherence to a line of phraseology distinctive of partisan hair-splitting, and always needless otherwise, if not untrue, such as the "State of Texas returned to the Union," and the position of Mr. Douglas and others now as to the doubtful Constitutionality of the "Missouri Compromise," and the recent discovery that it had been repealed substantially in 1850, without anybody uttering a syllable on the subject, and other like things. This whole performance was extra-official and coarse, and wholly uncalled for from the President, and decidedly injurious in its influence. The whole argument was an attempt to direct and influence Congress and the people, and it appears in the form of an Executive castigation of the North. Its manner and language, which were unfortunate, must be taken for its spirit. This message aggrieved and enraged the great majority in the North, and only increased the ill-feelings of the times.

If there had ever been any doubt as to the position occupied by the President, there was none now. And with this message fell to the ground the oft-reiterated statement that the Kansas-Nebraska Act was not really a measure of his Administration. It is here set forth with sufficient plainness that he not only embraced that Act with the "great doctrine of

squatter sovereignty" with great warmth, but also all the legislation and other steps necessary to carry them out.

A conciliatory appeal from the President of the whole people to the country, the whole country, and to the contending sections separately, was in order at that time; but what the President did instead of this was unwise and hurtful, and sadly contradictory of his inaugural promises, and the principles and promises on which the campaign resulting in his election was fought. As to the correctness of the positions now taken by Mr. Pierce, or even the facts assumed by him in this defense and argument, the reader must decide for himself. If this message was an insult to the intelligence and honest and earnest sense of right in a large portion of his countrymen, President Pierce's Kansas message of January 24th and last annual communication to Congress were still more so. In style and manner, and to a great extent in substance, they were uncalled for and impolitic. From this third annual message the nature of the contest between the President and Congress may be readily inferred.

On the 19th of May, 1856, the President vetoed a bill for improving the mouth of the Mississippi River; also on the same date he vetoed a similar bill for improving the St. Clair River, in Michigan. On the 22d of that month he sent to the Senate his third veto message for the session. This was also a bill for improving the St. Mary's River, in Michigan. On the 11th and 14th of August bills for improving

the Des Moines Rapids and Patapsco River were returned to the branch where they originated with the President's veto. But these bills were all passed by a two-thirds vote in both Houses over the vetoes.

The attention of Congress, the Administration, and the country was now mainly turned towards affairs in Kansas and Central America, and especially were the former the source of the wildest excitement everywhere, as well as of constant conflict and some bitter and disreputable scenes at the National Capital. "Bleeding Kansas" was the theme of all tongues, and from this time till the end of his term, President Pierce and his supporters were chiefly occupied in defending the measures which had led directly to this warlike territorial and slavery contest. The records of these times, both official and popular, have an air of extravagance about them, and appear so far tinctured with partisan one-sidedness as to render the task of the explorer after the truth of history extremely difficult, if not uncertain, in the end.

On the 15th of May, 1856, the President sent to Congress an important message on Central American affairs. One point in this message especially demands some notice here, as relating to the reception of a minister from the filibuster government, with some show of strength but less of durability, recently established in Nicaragua. The adventures of William Walker, a Tennesseean, and his followers in Central America, form one of the most strange and indefensible episodes in American history; but deserve a place in this work mainly on account of the relation

they bore to the great national conflict of slavery now begun, and the manner in which they involved the Administration at Washington, and the people throughout the country. It will be sufficient for the purpose here to say that the Republic of Central America, formed in 1824 by the States of Guatemala, Honduras, San Salvador, Nicaragua, and Costa Rica, was dissolved in 1838. Although the Government of the United States had taken some interest in this tropical belt forming a large part of the connecting link between the two great Western Continents from the formation of the Republic and independence of Spain, this interest was greatly increased after the acquisition of California and the discovery of gold in that far-off region. The question of reaching the golden coast by a short trip across Central America, became a matter of great importance.

This region was still more a subject of concern to the United States after the Accessory Transit Company (Cornelius Vanderbilt and other New Yorkers mainly) on a charter from Nicaragua had established a good line for transporting passengers, gold, and goods through Nicaragua. On the Caribbean Sea this company established its depot, as has been seen, at Point Arenas, near the mouth of the River San Juan del Norte, the outlet of Lake Nicaragua. From this lake to San Juan del Sur, on the Pacific, a matter of fourteen miles, through the State of Rivas, the company built a good road, thus completing the transit route by wagons, carriages, etc., to the lake, and thence to the Caribbean by a system of steamers

suited to the San Juan and Lake Nicaragua. In this brief story the Transit Company becomes a leading figure. Although Nicaragua had enjoyed a somewhat stable government for some years, considering its Central American position and mixed Indian and Spanish races, at the beginning of President Pierce's Administration, it had been for several years disturbed by political factions. By the Constitution of 1838 Nicaragua was governed by a Director, Supreme Director. With the election of Fruto Chamorro, in 1853, he took the name of President, and making his seat at Granada, his partisans were designated *Legitimists*. Some of the opposition leaders, who were termed *Democrats*, were at this time banished to Honduras. In May, 1854, under the patronage of Trinidad Cabañas, President of Honduras, Francisco Castellon, the banished democrat leader, with his followers undertook to overthrow the new government of Nicaragua. Chamorro and his Constitutional Assembly had remodeled the constitution of 1838, striking out many of its features, and especially increasing the power of the Executive. The line between the Legitimist and the Democratic party was clearly defined, and the ground of revolution was certainly sufficient among a revolutionary people. Castellon, as Provisional Director, organized the Democratic government at Leon, and the war now waged between the two factions presented a better field for adventure than Cuba had ever done to restless or wicked men in the United States.

Early in the spring of this year William Walker

had returned to San Francisco from his filibustering expedition to Lower California and Sonora, and was looking about for some similar adventure. Walker was educated for the medical profession, but after migrating to California, had been employed mainly as editor of a newspaper at San Francisco. He considered himself a scholar and writer, and although having the air of great modesty and absence of assumption, he really possessed unbounded pretensions and vanity. He was quite an ordinary man in appearance, without a line or feature in his gaunt and unambitious face to gain him favor or notice. But without having military genius, he possessed wonderful skill as a political and social organizer, and altogether a rare combination of qualities for a filibuster leader in a weak and distracted country.

In the winter of 1854 Byron Cole, one of the proprietors of the newspaper in San Francisco, went to Nicaragua, and early in the following spring sent Walker a contract with Castellon for a colony of three hundred Americans to settle in that country on the most liberal terms, with the strange stipulation that they should have the right to bear arms forever. Walker, who was at Sacramento, on the receipt of Cole's Nicaragua colonization contract, went to San Francisco at once to make arrangement for carrying out the scheme. According to his own statement he revealed his intentions to General Wool and other United States officials, who approved the enterprise, and declared it a legitimate proceeding without the notice of the United States Government. At last,

through the aid of several friends and some cunning on his own part, Walker with fifty-eight followers in the brig *Vesta* slipped from the hands of the sheriff out of San Francisco Bay, and on the 4th of May, 1855, sailed for Realejo, on the coast of Nicaragua. Some little knowledge of the character of these adventurers may be gained from the following account of them by Walker himself:—

“Among them were Achilles Kewen, who had commanded a company under Lopez, at Cardenas, in 1850; Timothy Crocker, who had served under Walker throughout the Lower California expedition; C. C. Hornsby, whose previous adventures in Nicaragua have been alluded to; Dr. Alex. Jones, who had lately been to the Cocos Islands in search of a buried treasure; Francis P. Anderson, who had served in the New York regiment in California during the Mexican War, and others. . . . They were most of them men of strong character, tired of the humdrum of common life, and ready for a career which might bring them the sweets of adventure or the reward of fame. Their acts will afford the best measure both of their capacity and of their character.”

A “precious” set they were, indeed, as were also mainly those who joined them subsequently. On the 16th of June the *Vesta* entered the harbor of Realejo, and Walker was not long in learning the desperate condition of the Castellon or Democratic cause. This was in exact harmony with his feelings. The more distressed the country the more he could make his own presence felt, and the greater would be the chances of success to his avaricious and ambitious scheme. He was received by Castellon at Leon with

much consideration, and invited at once to enter the Democratic army with his men under the ostentatious designation of "American Phalanx." Four days after entering the port of Realejo, Walker had his commission as a colonel, and under the Constitution of 1838 he and his followers declared their intentions and became citizens of Nicaragua.

Castellon's plan of introducing Americans into the army and population of the Republic was in opposition to the views of the general of his army, Muñoz, and this fact Walker discovered at his first interview. But this only favored his own plans. He demanded an independent command, and asked permission to operate against Rivas in the middle department, then wholly in the hands of the Legitimists. His will was satisfied in every particular, and returning to Realejo with his own men and twice as many natives, he sailed in the *Vesta* for the coast some miles north of San Juan del Sur, where he landed, and making a hasty march in the most obscure ways over the country appeared before Rivas on Lake Nicaragua on the morning of the 29th of June. Here, after a severe conflict, in which Kewen and Crocker and some others were killed, and receiving little aid from his native allies, he was forced to retreat to San Juan del Sur. There he seized the Legitimist schooner, *San José*, and returned to Realejo. From this place he made the report of his expedition to Castellon, and charged his failure to the treachery of Muñoz, whom he accused of sending a Dutchman to Granada to apprise the Legitimist General, Corral, of the move-

ment against Rivas. He also threatened to desert the cause of Castellon and seek his fortune in some other direction unless the conduct of Muñoz was investigated; but this he had no notion of doing, only designing by his threats and stubbornness to make further test of the Director's necessities. His men ("The American Phalanx") were now on board of the *Vesta* at Realejo. After resting several days, and receiving the necessary amount of coaxing, Walker again started with his restless gang to Leon, upon which it was said Corral was marching with a Legitimist army.

This, however, proving to be untrue, Walker soon availed himself of an opportunity to tell the Director his real object in coming up to Leon this time was to make arrangement for a sufficient native force to enable him to try another strike in the middle department. But Muñoz threw every impediment in his way, and not until that general had set out with the greater part of the Democratic army, only about six hundred men, on an expedition against the Legitimists, did he make any great headway in his purpose. In the meantime, Walker was not idle. All the arms and ammunition he could find to his taste in the neighborhood of Leon and Chinandega he bought, with a view of providing for passengers across the isthmus who might desire to join him, as well as piratic recruits from the United States. During this time, too, Cole revised his colonization scheme with Castellon. This scheme was abandoned, entirely, indeed, and in its place Walker was

authorized to raise an American force of three hundred men for the army, each man to receive the enormous sum of one hundred dollars a month, and five hundred acres of land at the end of the campaign. Besides this, the Americans were to enjoy other benefits, and one of them, of great importance to Walker, was that he was authorized to settle and manage the affairs of the government with the Accessory Transit Company. This was the first great point made in Walker's political designs. Whether he had an understanding with the Company's agents before leaving California or at any other time, perhaps never clearly appeared, but one thing is certain, that from the outset he aimed to make the Transit line his basis of supplies, as soon as he could get a foothold in that locality. Both from the Pacific and the Atlantic sides he expected men, money, and arms, and all these he expected the Transit Company to bring. So soon as he got on far enough to announce his social and slavery plans he believed that from the Southern part of the United States hosts of chivalrous men would flock to his standard to aid in planting in free Central America African slavery, the whole foundation, philosophy, and key to the highest approachable standard of human excellence and civilization in the white race, and the Transit Company was to be his greatest direct instrument. Castellon's purpose was to establish firmly the Democratic government in the Republic, and, perhaps, looked beyond that to the peace, prosperity, and happiness of the people, if not also to their advancement in civilization. With

Walker the establishing of the Democracy was only a matter of importance so far as that seemed better to favor his own purposes; and in his mind, secretly at least, the Transit Company was to have an important relation to his scheme, which even Castellon could not have fully appreciated, notwithstanding his inclination to give his countrymen the advantage of association with the Americans.

Walker's importunities as to the new expedition against the middle department disturbed Castellon, and as Cabañas had pressed him to send some of the Americans to Honduras, and Walker had threatened to take up with Cabañas's invitation (although he had not the remotest notion of doing it), Castellon finally actually favored the idea of his going. But Walker had made many friends, and the presence of the Americans, who, it was supposed, were ready at all times and at any odds, to fight, was enough to give the sense of security to the people. Among the Nicaraguans who took up with Walker and who approved his general plans, as far as he knew them, was José María Valle, a soldier of some ability. When Valle found that Walker was determined to make another attempt on Rivas he raised a hundred and fifty men in a few days, and joined him at Realejo, whence they sailed in the *Vesta* for San Juan del Sur. In the meantime Muñoz had met and beaten the Legitimists, but had himself suddenly died. When this news reached Leon, Castellon immediately sent to Realejo begging the return of Walker and Valle, implying that now all things could be arranged

to his satisfaction ; also urging his fears as to the safety of Leon when the enemy should hear of the death of his general, Muñoz. But Walker was ready to sail, and the wants and fate of the Director were alike of little importance to him further than they subserved his own ends. He landed at San Juan del Sur without hindrance with about a hundred and seventy-five men, many of the natives having died of cholera at Realejo and on the trip. With little delay he marched to the other end of the Transit Company's road at Virgin Bay, on Lake Nicaragua, and there on the 3d of September, the morning after his arrival, was attacked by the Legitimists under Guardiola, who had been defeated by Muñoz. After a hard fight the Legitimists were defeated with considerable loss, and forced to retreat to Rivas. The next day Walker returned with his force to San Juan. He now took the pains to send a regular report of his operations to Leon, as if he had been acting under the full authority of the Director. But this the Director never read, as he was dying of cholera when the messenger reached the capital.

Castellon, although not a soldier, and hardly suited to the troubrous times of his country, was, perhaps, the most wise, humane, and upright Nicaraguan of his day ; a man of really refined and noble traits, who would have been distinguished among the worthy men of any nation. With the death of General Muñoz, too, the Democrats had lost their most able soldier, the only man they had, indeed, who seemed to have stability and force enough to organize and hold an army of

such material to a definite and reliable purpose. This man, however, stood in the way of the California filibuster, and although Walker appeared to esteem the amiable and admirable traits of Castellon, still he seemed to regard as the highest service he had rendered his country, the introduction of the Americans, the new element of civilization, destined to regenerate Central American society ; and since he had done this his work was perhaps at an end.

The Democratic cause was not in a flourishing condition ; but the Legitimist President, Chamorro, had also died, and Walker felt his own prospects to be no worse off, if they were not improved by these events. Besides the new Democratic Director, Narsaria Escoto, designated by the constitution of 1838 as the successor of Castellon, approved his course and promised him all the aid possible.

Parker H. French, a disreputable adventurer, now made his appearance in Walker's camp, directly from Granada, and although Walker pretended to put no stress on his character and little on his representations as to the state of affairs at Granada, he was sent to San Francisco with authority to raise seventy-five men for the filibuster service. Democratic natives now began to come in with a red ribbon in their hats, and asked to be taken into the army. Maximo Espinoza, with authority from Leon, also set up the Provisional Government in the track of Walker. A few Americans also came on the Transit vessels from California and joined the "Phalanx," nearly doubling its strength.

Finally, with a force of about three hundred men, on the 11th of October, Walker marched to Virgin Bay. On the same day when the Transit Company's steamer, *La Virgen*, arrived with passengers from the other side of the lake and the San Juan River, he forced her into his service; and with as little show as possible putting his whole army on the vessel, in the night of the 12th, he landed within a few miles of Granada, and the following morning surprised and captured the Legitimist capital with little loss to himself. Walker here had some difficulty in restraining his native followers, who were greatly incensed against Granada, and expected it to be given up to them for murder and plunder. It was not easy for them to abandon a practice to which they had always been accustomed. Walker and his Nicaraguan soldiers had somewhat different ideas about this matter, and did not understand each other. While he had no scruples as to the destruction of property or life when it seemed to serve his purpose best to do so, it was not in the way of his interest to destroy Granada. One of his main objects was to make friends among the natives. And the way to do this was sometimes to show the mercy they did not expect from one another. But any other method he would have adopted as readily, if it had presented a better prospect of serving his designs. In fact, he appeared to put little value upon human life, and especially on that of Central Americans. No buccaneer who ever cut a throat or scuttled a ship could take a life, or look with more absolute indifference or stolidity upon

murder and massacre than did this filibuster leader. A few hours after the capture of Granada, seeing a native Democrat soldier bending under a load of plunder, Walker drew his own sword to stab him through if he should refuse to return the property to its owner.

After embarking at San Juan del Sur, after his first expedition against Rivas, Walker made his first display for effect upon the natives. Dewey, a renegade American, and a negro companion, not attached to his followers, burned the barracks at the town after Walker had left it, to satisfy some spite they held against some of the Legitimists, knowing that this affair would be charged to him, and jeopardize his interests unless he could show the contrary by the destruction of the actual criminals. The scamps were not long in discovering that they could not palm this arson on the filibusters with impunity. The negro escaped, but the other took refuge in a scow they owned, and which they had hitched by a long cable to the vessel in which Walker was waiting with his men for the tide to carry them out to sea. This scoundrel hoped to find an opportunity to cut his cable and clear himself of the vessel, but he saw that Walker's men were ready to take advantage of the slightest movement or exposure of his person, and in this state of the case the vessel actually moved out of the harbor. Dewey now placed a woman, the only other person on the scow, and who was some way connected with the fortunes of the two scamps, near the cable, hoping, under her protection,

to be able to cut loose from the vessel. But in this he was not successful, and at last, his situation becoming more critical, he boldly stepped out and fell dead in a last attempt to liberate himself. One of the balls passing through Dewey severely wounded the woman, but Walker ordered her to be taken up and cared for.

The Legitimists who had possession of the fort on the lake, at the head of the San Juan River, now went so far as to fire upon the Transit Company's vessels coming out of the river, and at Virgin Bay some of the American passengers were killed. This led Walker again to exhibit the kind of justice he would measure out without stint if he deemed it necessary. Among his prisoners at Granada was Mateo Mayorga, a member of the Cabinet of Estrada, who had succeeded Chamorro as head of the Legitimist government. On hearing of the murders down at Virgin Bay, Walker caused this man to be shot to death on the main Plaza; and immediately sent a message to the Legitimist army to give notice of what he had done, and that he would hold their families in Granada as hostages to be treated in the same manner if he heard of more murders of non-combatant Americans. For some days there had been signs of the disposition on the part of the Legitimists to treat for peace, and this last act of Walker's had the effect he desired of opening direct negotiations. John H. Wheeler, the United States Minister, resident at Granada, busied himself in this matter, and for the purpose of meeting Corral, the

Legitimist General, had made a trip down to Rivas. This brought him into disfavor with the Legitimists, and eventually the stand he was supposed to have taken, or really did take, in Walker and his schemes gave him much trouble with the Nicaraguans.

On the 23d of October, 1855, Corral met Walker in Granada, when a treaty was formed and peace soon afterwards declared. By this treaty, which was ratified for Walker at Leon, by the Provisional Democratic Government, the naturalization laws of 1838 were to remain in force, and all the advantages the Americans had secured at Leon were to remain intact, debts made by both factions were to be binding on the Republic, Walker was to be General of the Army, and Patricio Rivas, a moderate Legitimist, was to be Director, or President. A deputation of Democrats from Leon now arrived with the ratified treaty, and new honors for Walker, and some of these Leonese expected to participate in the new government. Corral was appointed War Minister; and to this Walker raised no objection, but Corral was unwilling to associate with any of these disorganizing Democrats, and the troubles of Rivas began at once. At last, however, against the will of Corral, Jerez (Hwa-reth) was taken into the Cabinet, and one of the other three Ministers was Parker H. French, who had recently returned from California with sixty or seventy soldiers. But Corral was ill at ease, and only a few days after the organization of the government under Rivas, letters written by him, inviting an invasion of Nicaragua, fell into the hands of Walker. In the

presence of the whole Administration and the leading citizens Walker had these letters read; and soon afterwards Corral was tried by a "military court," composed wholly of the American adventurers, with French as counsel for the accused, and convicted of treason against the Republic and sentenced to be shot; and this sentence Walker executed on the 8th of November, against the prayers of the accused, the "court," and the people for mercy, and the tears and pleadings of the priests, women, and children. This was a singular spectacle.

Walker had, on his knees with Corral at the inauguration of Rivas, sworn to maintain faithfully the treaty of the 23d of October, and now he had given the Central Americans another example of stability of purpose and the new higher order of civilization he had come to establish. But there is not a grain of evidence to show that this man had any respect for the Nicaraguan Constitution of 1838, the treaty of the 23d of October, or the Rivas government, farther than they subserved his own purposes for the present and the future. He had had French put in the Cabinet as Minister of Agriculture because there seemed no better way of helping himself, believing at the time that French was not only unfit but too dishonest to be trusted in word or deed. Yet he hastened to put Corral out of the way for a crime which was with himself, then at least, if not always, a mere name. While there was, perhaps, in a general view, little or no apology for Corral, his aim was to save his country from a foreign adventurer, in whose

purposes and character he had no confidence. His desire became that eventually of all Central America, and when Nicaragua was finally invaded by the neighboring States, it was not as against Nicaragua, but its piratical tormenters. So Corral's offense was treason against the filibuster, the man, rather than the State, and nobody knew this so well as Walker himself.

The new state of affairs now progressed with great rapidity. Walker and his followers had not come to Nicaragua to be still long. Mr. Wheeler hurried to recognize the Rivas-Walker government, and advised President Pierce and his Cabinet to take the same view of the case he did. Rivas fell into the policy Castellon had pursued, and in November a decree was published inviting American immigration. Two hundred and fifty acres of land were offered to each man, and a commissioner at once appointed to look after the interests of the coming civilizers. Walker was authorized to increase the American element in the army, and this he took every possible step to do. From the outset it was his intention to gather around him an American force sufficient to control the Republic, and make the surrounding States of Central America respect his will. Although the Transit Company had been of great service to him, he had failed to bring it into his schemes; at any rate it was beyond his control, and Walker's idea was that the absolute controllers of the Transit and all its privileges held the key to Nicaragua. And now the moment had arrived for making the daring step he had contemplated as the next in order on his plan, and

that was the seizure of the Company's property for the debt said to be due the Republic, revoke its charter, and establish a company in its place pledged to second all his designs. This affair was intrusted to friends in California, and these placed the matter with great secrecy and wonderful dispatch before others in New York, and the matter was arranged in an incredibly short time, and without the knowledge of Rivas. Walker knowing that this step might involve him in the United States, proceeded with caution, securing himself on all sides. His interested friends in California gave the opinion that the Accessory Transit Company had forfeited its charter, and the way was clear enough. His line of argument was to the effect that the Company had been chartered on condition that it construct a ship canal or railroad across the Republic from sea to sea, and that it was to pay the government of Nicaragua ten thousand dollars a year, and ten per cent of the proceeds of the business of the Company, and none of these things had it done.

At last, when everything was ready to strike the blow, Walker opened the matter to Rivas, who, with apparent readiness, assented to sign the decree revoking the charter of the Company. In the meantime the new company had been given every opportunity to be in readiness to begin the transportation across the isthmus in place of the Accessory. W. K. Garrison and Edmund Randolph were at Granada waiting developments and arranging with Walker on the part of Charles Morgan, C. K. Garrison, and

others. And on the 19th of February, 1856, Rivas, much against his will, was induced to sign the new charter. Most of these adventurers and filibusters had thus far come from California, but in February, before the Transit Company in New York knew of the change in its affairs in Central America, between two and three hundred men for Walker's army were brought by its steamer from New Orleans, and their passage actually paid by drafts on Cornelius Vanderbilt, president of the Company.

The necessity of getting more Americans into Nicaragua became more apparent to Walker every day. The neighboring States had at last spread the alarm in Nicaragua, and the feeling was becoming quite general that the Americans were increasing too rapidly, and that it was only a question of time when they would own the land, and absolutely control the affairs of the country. Rivas even went so far as to announce that his signature of the charter of the new Transit Company was the sale of the country. He and the great mass of the natives were now just such traitors to the Republic as Corral had been.

In the summer of 1855 H. L. Kinney had brought a large company of armed men to San Juan del Norte under the pretense that he had an interest in some grants from the Mosquito Indians. Kinney had visited Washington, and tried to enlist the Administration in his scheme, but in this he was not successful. In the spring of 1856 some of these men were induced to join Walker, and even Kinney himself went over to Walker.

In order to get French out of the way, Rivas was induced to send him to represent Nicaragua at Washington; but his character was so notorious there that President Pierce declined to receive him.

Walker himself gives this description of French, the Minister of Hacienda and representative to Washington:—

“He was utterly unfit to administer the Hacienda, having little knowledge of either the principles or details of public business, and not having either the modesty to be sensible of his defects or the patience to overcome them. Moreover, his rapacity made him dreaded by the people of the country, and, as a measure of policy, it was necessary for the Americans to get rid of him.”

The Cabinet of President Pierce was, perhaps, not a unit as to the course to pursue with Nicaragua, Marcy and Cushing opposing any government there founded on or temporarily propped by the filibusters, and the course adopted by Mr. Wheeler was wholly at variance with the views of Mr. Marcy. While the position of the United States Government was certainly not satisfactory to Walker, it was very evident that England was urging Costa Rica to declare war against the Americans. And this was at last done in March, 1856.

A few days subsequently Rivas declared war against that State; and Walker pushed forward his preparations for the conflict he knew he would have not only with Costa Rica, but also with the other Central American Republics. Recruits now came in from both ends of the Transit, and among the arrivals

from the Atlantic side was Mr. Parker H. French ; but he, soon discovering that he was not wanted in Nicaragua any more than he was in Washington City, accordingly left before the outbreak of the storm destined to relieve the country of other such Americans.

Walker's force, all American, now numbered over eight hundred men, a very large per cent of them being officers, and the organization being on as complete a scale as the army of the Sultan. A motley crew it was, and especially of officers, as ever gathered for contest on the field of battle.

Walker had sent Louis Schlessinger and some others as commissioners to President Mora at San José, the Costa Rican capital ; but nothing came of this, only insult ; and this he determined to revenge at once by carrying the war into the enemy's country. Schlessinger, accordingly, was sent at the head of about two hundred and fifty men, many of them Germans, to invade Costa Rica. This force was met by the advance of Mora's army on its way to Nicaragua, and quickly beaten and dispersed. This ended the military career of another brave Nicaraguan buccaneer, as Walker had Schlessinger tried by a court-martial on the grave charges of ignorance, neglect of duty, and cowardice, and Walker said that Schlessinger afterwards added desertion to this list of crimes. But many another of these harbingers of a new civilization was affected by some of the same crimes, as about this time when they were needed the most, there was an exceedingly active demand for furloughs to return to the United States. Even

enterprising non-combatant Americans in search of fortunes were seized with the disposition to get away in view of the approaching day of reckoning. The action of these people increased the uneasiness of the “army.”

Poor Rivas, who had not been able to keep out of the channel Walker prepared for him, was also in trouble. After the murder of his head minister, Selva, a former member of the Cabinet of Castellon, became one of his advisers as Secretary of War. French had been sent as plenipotentiary to the United States, to be rejected at the Democratic Court where “squatter sovereignty” had recently been elevated to the first rank as a political principle. And Jerez becoming dissatisfied with the progress of events, had retired to Leon, where he agreed after a time to re-enter the Cabinet if the President would move up to Leon. This Rivas actually concluded to do, after putting the middle and southern parts of the Republic under military law fully directed by Walker, the general of the army, who was to carry on the war. The new Transit Company had not been very successful in getting into operation. The old company stood in the way, and to a great extent Walker lost the essential aid he expected from this source ; and thus it became less an object with him to hold the Transit line. West of the lake this was soon in the hands of the enemy, with Mora’s head-quarters at Rivas. Here early in April, with six or seven hundred men, the greater part of his available force, Walker attacked him in the most considerable battle he had

yet fought. But the filibusters were beaten, and forced to withdraw to Granada, with a loss of over a hundred of their small force. The odds in this engagement were certainly great in two ways. The Costa Ricans were five or six times as numerous, and besides had the advantage of choosing their own position within the adobe walls of Rivas. But their loss was much greater than that of the Nicaraguan army.

Walker was by no means discouraged, as hopeless as the case appeared. Cholera was now raging, and many of the Americans were dying from this fatal disease. But the Costa Ricans were suffering in the same way, and in other respects they were not making the headway they expected.

In these straitened circumstances Walker did not neglect the civil arm of the government. He now saw the necessity of the moral support of recognition at Washington, and sent to Leon for Rivas to appoint Father Vigil, an excellent priest of Granada, as Minister to Washington. Vigil was a man of peace, and wished something better for his people, and to a great extent had fallen in with the notions of Walker as they yet were made manifest. At all events the priest thought he could explain matters in Nicaragua to the satisfaction of President Pierce, and this was enough for Walker's purpose in that direction.

In the treaty of peace on the 23d of October, 1855, it was stipulated that the red ribbon worn by the native Democrats and the white one worn by the Legitimists should be dropped, and a common color

assumed. To this the Democrats were slow to submit; and now to keep up his standing with the Nicaraguans, and also to raise their military ardor, Walker caused the wearing of the red ribbon to be restored in the army. And to further help things at this juncture C. C. Hornsby returned from the Atlantic with over two hundred men for the army. And more than this, the cholera made such havoc among the Costa Ricans that they were compelled to leave Nicaragua, and thus in a short time the whole Republic was in a state of comparative peace. Some of the old Legitimists who had favored Mora now came in for a little attention from Walker. Francisco Ugarte, the most considerable of these, the filibuster general hanged, as an example to the rest and all other evil-doers.

But a matter of a still more important character now attracted the attention of Walker, in what he called the defection of Rivas himself. Rivas had become tired of his obedience to Walker, and fell into the growing Central American feeling that the country should be relieved of these American adventurers. In order to see for himself how matters were going, with a respectable body of his troops early in June, Walker made a visit to Leon, where he was received with consideration, even by Rivas and his Cabinet. Rivas now showed him a proposition he had received from San Salvador to reduce the Americans in the army to two hundred, as a basis for peace on the part of that country, and this Rivas favored, he readily saw. Rivas was more disposed to take

up with any offer from the surrounding States, since it was daily becoming more apparent that Nicaragua would again be invaded unless something was done to satisfy them as to the Americans, a piratic and unscrupulous horde rushing upon them from the north.

An election had been held during the invasion of Mora, but it had not been general, and Walker now urged Rivas to issue a decree for a general election. This Rivas resisted as well as he could, but finally had to sign it to be published on the 10th of June. Walker had been gone from Leon but a day or two when Rivas and his War Minister, Jerez, determined to strike for an expulsion of the Americans, and for that purpose invited the neighboring States to come in and help them. Hearing of this turn in affairs, Walker withdrew the troops he had left at Leon, went to Granada, published the decree for the new election, which, however, Rivas had rescinded at Leon, and declared the Rivas Administration dissolved. In his public denunciation of Rivas are these words:—

“With such accumulated crimes, conspiring against the very people it was bound to protect, the late provisional government was no longer worthy of existence. In the name of the people I have, therefore, declared its dissolution, and have organized a provisional government, until the nation exercises its natural right of electing its own rulers.”

He had already set up Fermin Ferrer, Rivas's best Cabinet officer, as Provisional President, and toward the last of June the election was held, and Walker

was elected President, and on the 12th of July was inaugurated in the main Plaza.

In the meantime news had reached all Central America that Father Vigil had been received as Minister at Washington. This fact considerably strengthened the cause of the Americans in Nicaragua, although it was well known that he had been accredited as the representative of the government of Rivas.

Walker now made a great virtue of his devotion to the treaty of the 23d of October, 1855, declaring himself the only living sponsor for the recreant Rivas, and held up to the country the injuries it had received, putting his own deed in the most favorable light; and many of the better men of the radical party believed in him and adhered to him to the last. From these men he selected his Cabinet, Ferrer, Pineda, and Carrascosa filling that position; and others, like Valle and José Herrera, adhered to his military fortunes.

Only seven days after the inauguration of Walker, Mr. Wheeler hastened to present himself as Minister from the United States. But this step Mr. Wheeler took on a willful misconstruction of his authority from the Secretary of State at Washington. Father Vigil had been received by President Pierce as the representative of the Republic of Nicaragua under Rivas as the establishment of the people, and the instructions to Mr. Wheeler to enter into relations with the government of Nicaragua applied only to that supposed state of the case. Of this want of information

at Washington Wheeler took advantage, and had himself entered as Minister to the filibuster organization while the whole country was in a state of turmoil and revolution. This was a part of Walker's scheme, and while he eulogized the manly boldness of Mr. Wheeler, he had nothing but abuse for the Government at Washington. In speaking of the message on Central America he said:—

"The message Mr. Pierce sent to Congress, touching the reception of Father Vigil, was strongly marked with the weakness and hesitation of American diplomacy. The whole tone of the message was apologetic; and the American President was throughout overcome by the false idea many people in the United States had formed as to the Nicaraguan movement being one of annexation to the Republic of the North."

The very opposite of this, however, was true as to President Pierce's dealings with foreign countries, and this was no better illustrated, indeed, than in his reception of any Minister from Nicaragua and establishing diplomatic relations with a government upheld for one moment to be torn down the next by an American adventurer of the wildest pretensions and most doubtful theories.

At this juncture Walker would have been glad to involve the United States with Central America, if in any way it would have led to his advantage independently. An opportunity was not wanting. Mariano Salazar, a wealthy merchant, and long one of the most influential Democrats of Leon and Realejo, was caught trying to improve his fortune by trading

and transportation indiscriminately among the contending factions on the Pacific coast. Although his money had been at times the main prop of the Democratic cause, and he had been one of the early friends of the California adventurer himself, he was now to be turned into an example for the public good. Notwithstanding the earnest efforts of citizens, even the friends of the Americans, to save the life of Salazar, Walker executed him in the fatal Plaza at Granada; and the murder seemed to give him pleasure. He said Salazar was guilty of treason. Treason could not go unpunished by Walker. This champion filibuster had a peculiar hatred for this crime under certain circumstances, and he was the man to make it odious to the Nicaraguans. But the friends of Salazar were not satisfied with this summary disposition of his life, and arrested Joseph W. Livingston, an American of some standing, who had for years resided in the country, with a view of retaliation. This movement on the part of the Leonese brought out the sprightly American Minister at Granada, who told them plainly that if they hurt a hair of the precious head of Dr. Livingston, his great Government and all the furious North Americans would be down on them. So things went on.

But the activity was not all on the part of Walker. San Salvador and Guatemala had, partly from their own inclinations and partly from the invitation of Rivas, entered the lists against the American invaders. A small force from each of these States had joined Rivas at Chinandega, and Ramon Bellos, a San

Salvador soldier, had been appointed Commander-in-Chief by Rivas. But harmony was wanting among these anti-American allies, and for a time little progress was made, the Guatemalan General, Paredes, reserving the privilege of doing as he pleased, if it did not please him to obey the direction of Bellos, a General of a mixed race, whom he considered it an insult to have placed above him. Besides this, another government had been set up in opposition to that of Rivas, in Segovia or Choluteca. Here at Somoto Grande, among the mountains, a pure Legitimist partisan, José María Estrada, had reared the old standard of the white ribbon.

But matters were gathering to a final issue, and that unfavorable to the Americans; and here as well as at any time the true political aspects of Walker's intentions and their party and social bearings in the United States may be more fully exposed. In the lull of hostilities on all sides Walker made good use of his time. He knew that all Central America would soon be in the field against him, and now his final purposes must be more fully revealed to those from whom he expected "moral" and substantial aid. The conflict was coming sooner than he desired. Under the nominal leadership of the most liberal Nicaraguans he had designed, gradually, acquiring that foothold which would render his position impregnable, so far as Central America was concerned, and thence make his personal and social projects more feasible. Forced prematurely to a final struggle, he determined to make the most of it. The first

object of his attention was the Transit Company. Mr. Wheeler had been notified from Washington to investigate the causes which had led to the revocation of the charter of the Accessory Company. This he did, and sent to Washington testimony which, perhaps, clearly proved that the Nicaraguan action in the case was well founded. At all events Mr. Marcy said little more about it, and it is not unlikely that the conduct of the Accessory Transit Company had not been uniformly good, if it had not, indeed, failed in many of its promises, and been decidedly vicious in some respects. In the adjustment of its affairs it came out three or four hundred thousand dollars in debt to Nicaragua, and this secured the transfer of its property to Garrison, Morgan & Co., holding the new charter, who paid for it in bonds for money they had advanced to the Nicaraguan government; that is, to Walker. With the new company (to whom he had really sold the country to all appearances, as Rivas had said) he now had a perfect understanding, and an arrangement to bring in all manner of people and military supplies from the United States.

At this time Pierre Soulé made his appearance at the filibuster capital, and his visit was not without political advantage to Walker in Nicaragua and in the southern part of the United States. But Mr. Soulé's business directly was to secure some better terms as to a loan of half a million dollars, for which Rivas had provided before he had gone up to Leon. This loan was to be secured by a million acres of land. Of course, Mr. Soulé had no difficulty in having the

required modifications made by Walker, and bonds of Nicaragua to this amount, at least, were sold in the United States.

Walker now started off, as Minister to England, Goicouria, an eccentric Cuban filibuster, who had brought a squad of men to his cause, and had been made a general for that, with the instruction to tickle the fancy of the British with the idea that the Republic of Nicaragua would be established on military principles, which would forever separate it from the United States. The most delicate and consequential part of his concerns, however, was with the latter Government. Father Vigil had remained but a short time at Washington, and being dissatisfied with the prospects there had returned home. Movements in Nicaragua were likely to have some influence on political matters in the United States, but the exact amount of this influence it was not so easy to estimate or provide for; and hence party managers like Mr. Marcy and others felt their way with caution. Although there was always some misapprehension in this country as to Walker's views touching the annexation of Nicaragua, an open scheme of this kind would have been a new source of division in the Democratic party.

Walker especially instructed Goicouria to impress it upon the British Ministry that there was to be no such thing as attachment to the United States; nor did he ever have the remotest idea of such a union. That would have sapped his own plans of self-aggrandizement. But he was not unwilling that the South

should know that his movement should work to its benefit and be in complete harmony with its political and social policy. To strengthen himself in that section especially he now put forward some most remarkable executive decrees. One of his ideas was that the surest way for the Americans to gain political control of Nicaragua, and be able to establish the new social code he contemplated, was to possess the land. Looking to this, he first declared that the laws should be published in Spanish and English, and that in either language all legal transactions should be valid. He then proceeded to record all deeds to lands and all court records in the English language. This would tend at once in such a country to make the land records disappear from the original owners. Then, to facilitate this rascality, he ordered all lands to be registered. This threw much of the land into dispute by bringing out the obscure titles, and the careless and unwise system which had been prevalent in the country. And to help this matter on he had it decreed that the land of enemies to the country, that is to him and his plans, should be confiscated to the use of his government, and appointed commissioners to carry out this decree, and dispose of the lands.

After this was all done, he next struck at the labor system. This was, indeed, the vital point, the point that touched the United States. Those in command of the land must also command the labor. To this end he issued a decree to enforce contracts for terms of bodily service, and at the same time a vagrancy law of the strictest kind. This was but the preliminary

step to the next bold and startling act, which was the following decree, issued on the 23d of September, 1856 :—

“Inasmuch as the Constituent Assembly of the Republic, on the 30th day of April, 1838, declared the State free, sovereign, and independent, dissolving the compact which the Federal Constitution established between Nicaragua and the other States of Central America :

“Inasmuch as since that date, Nicaragua has been in fact free from the obligations the Federal Constitution imposed :

“Inasmuch as the act of the Constituent Assembly, decreed on the 30th of April, 1838, provides that the federal decrees given previous to that date shall remain in force, unless contrary to the provisions of that act :

“Inasmuch as many of the decrees theretofore given are unsuited to the present condition of the Republic, and are repugnant to its welfare and prosperity, as well as to its territorial integrity: Therefore, it is decreed :—

“ARTICLE I. All acts and decrees of the Federal Constituent Assembly, as well as of the Federal Assembly, are declared null and void.

“ARTICLE II. Nothing herein contained shall affect rights heretofore vested under the acts and decrees hereby repealed.”

This high-handed measure was designed, in effect, to re-establish slavery. The Constituent Assembly of the Central American States had abolished human slavery, and after the dissolution of the Confederacy in 1838 none of the independent States had revived it; indeed, there was no desire for it among the people; it was even repugnant to them. But Walker said that slavery stood at the foundation of all high civilization; and that a grand destiny awaited the

white race which was now about to acquire absolute possession of that country, with slavery to relieve it from physical drudgery. Walker entertained the same sophistry which actuated the conduct, or was pretentiously the motive to the course, of many wiser and apparently better men in this and some other countries, as to the elevating influence of human slavery on the master race. With the labor problem disposed of under this absolute system, the mind of the more fortunate or superior race could strike out untrammeled in new and grand channels of progress and civilization. It is enough here and, perhaps, for the purposes of this work, to say that the history of neither ancient nor modern, civilized nor savage, nations substantiates this theory in any true and noble sense; and that the world has traveled far beyond this narrow and specious doctrine, in that fact alone demonstrating its falsity.

Although it was, perhaps, a part of the original plan of Walker to establish African slavery in Nicaragua, so far as he had a well digested plan, his grand object in the act of the 23d of September, in repealing the abolition of slavery, was to secure the moral support of the South, and also to swell immediately his army and other resources from that section. It is a wonderful and shameful fact that this buccaneer found favor with the slaveholding section of the United States as his slavery policy became more apparent. Men flocked to his standard now who before took no interest in it. It now made common issue with them in the "irrepressible" con-

flict against slavery. He said himself of the men who came to his aid through the instrumentality of the South :—

“Something is due from the South to the memory of the brave dead who repose in the soil of Nicaragua. In defense of slavery these men left their homes, met, with calmness and constancy, the perils of a tropical climate, and finally yielded up their lives for the interests of the South.”

This history is food for reflection. I present it as a study for the reader. Not only did the men of the South flock to the support of this effort to establish slavery in a far-off free country, but they pressed the matter upon their political friends of the North. As the prospects of success waned in Kansas, they were willing to draw from the contest their “Border Ruffians” to further the new adventure in Central America. In 1852 they had elected a President whom they deemed safely enough pledged to their policy. And now their next step was to secure the election of his successor a man who should not only adhere to the established territorial policy, but also support the Nicaraguan crusade which they had adopted. In this they were successful. In the following “plank” in the “platform” of the nominating convention at Cincinnati this year they succeeded in inducing the whole Democratic party to adopt the filibuster cause in Nicaragua :—

“Resolved, That in view of so commanding an interest, the people of the United States can not but sympathize with the people of Central America to regenerate that

portion of the continent which covers the passage across the inter-oceanic isthmus."

Some of the words of this resolution were unfortunately selected in view of the true history of Nicaraguan affairs, then, as well as at this day, known to party leaders. But if the spirit of the contest of 1856 is sustained by the history of subsequent events, then is the policy of this resolution less a matter of offense to its friends or of the criticism of the unpartisan explorer, though he be an enemy of slavery in any form.

This Nicaraguan affair may now be briefly disposed of. Little in a military way of much importance occurred to disturb the opposing forces until October. About the middle of September Byron Cole, who had done more than any man to set the filibuster movement in operation, was killed while leading an attack on some Legitimists at San Jacinto. This was his first military service, and with him fell several of Walker's most spirited followers.

Walker had used the time since he was elevated to the head of affairs at Granada to the best possible advantage. He kept possession of the San Juan River, both ends of the Transit line being now of great importance to him. Some guns and considerable quantities of ammunition and other war material had by this time arrived from the Atlantic coast; and several squads of soldiers from New York City and other places, and even Kentucky, never willing to keep out of a fight, had sent more than a hundred men under John Allen. About this time, too,

arrived at Granada, where by the 1st of October Walker had centered the greater part of his army, C. F. Henningsen, an adventurer, but decidedly the most soldierly character, who was any way connected with this filibuster war in Nicaragua. Henningsen had served in the Carlist army in Spain, and afterwards with Kossuth in Hungary, but was a native of England. Walker was wise enough to see his need of such a man, and at once made him a general. And while he became the main reliance of the filibuster army, there were several young men, some of whom lost their lives in the disreputable adventure, who were possessed of fine and admirable qualities, for inexperienced soldiers.

Early in October Beloso moved from Leon, and took up his position at Masaya, in easy striking distance of Granada. Here on the 12th Walker attacked him, but without any decisive result, and on the morning of the 13th, hearing that his small garrison had been attacked at Granada, he marched back in time to save the town. At the beginning of these engagements his whole force was less than one thousand, while that of the Central American allies was at least twice as great. His loss was at this time fully one hundred. But he held the lake, and in the harbor at San Juan del Sur had the steamer *Granada* well armed and with a good crew under the command of Captain Irvine Fayssoux, a man of great bravery and real ability. The Costa Ricans now appeared on the south, and a part of the filibuster force was sent to Virgin Bay to impede their progress and protect

the Transit road. On the 16th of November Walker again attacked Belloso at Masaya, but with no better success than before. Soon after this the allies besieged Granada, and here Henningsen made a long and able defense. The cholera broke out now again, and a large number in both armies died. Of these the Guatemalans lost their General, Paredes, a soldier of some pretensions. In the meantime three hundred men had arrived from the Atlantic and California, and were organized at Virgin Bay, Walker now having his head-quarters there and on Omotepe Island, in Lake Nicaragua. Henningsen, after the loss of more than half of his force of four or five hundred men, burned Granada and withdrew to Rivas, where by the middle of September the Americans were mainly gathered.

Early in January the Costa Ricans captured the steamer *La Virgen*, and Walker lost control of the lake. About the same time, too, the River San Juan fell into the hands of the enemy, and the Transit route was closed.

The South was exceedingly active at this time in sending new recruits, even H. T. Titus with nearly two hundred of the "Border Ruffians" having arrived at San Juan del Norte. By these an effort was made to open the San Juan River. But the leaders quarreled among themselves, and nothing was accomplished.

Although Walker still had eight or nine hundred men, he was confined to the narrow slip of country from Rivas and Virgin Bay to San Juan del Sur, and

the prospects began to look gloomy and doubtful as to the permanent success of this grand adventure to regenerate Central American society.

Early in February the United States war-sloop *St. Mary's*, under Commander Charles Henry Davis, arrived at San Juan del Sur to watch operations, as the British had been doing at San Juan del Norte. But Walker still resisted, and after assailing the allies a time or two at San Jorge and other points near to Rivas, he was finally besieged at the latter place, where, after eating most of the horses and other animals belonging to his army, he surrendered to Commander Davis on the 1st of May, 1857. Although the Central Americans were not directly concerned or named in this surrender, they gladly accepted the terms, and on the 4th of May the *Granada* was surrendered, by agreement with Davis, to the Costa Ricans, and thus substantially ended a nefarious business, without one redeeming trait in it, rendered no more reputable by having in some sort been patronized by a great political party, and supported by many men who would barely have the hardihood to-day, were they living, to place this among the worthy deeds of their earthly careers.

Walker and his officers were taken to Panama, and thence to Aspinwall and New Orleans. The rest of his followers were sent to the United States by the Costa Ricans or taken by the British war-vessels from San Juan del Norte. With Walker also went down, perhaps justly enough, the Transit Company. At New Orleans Walker was received with much

consideration. From there he made a journey through the country, stopping at many of the chief cities, and on the 13th of June actually had an interview with President Buchanan at Washington. After visiting New York he returned to the South, where he began immediately to prepare for returning to Nicaragua. Reports were circulated to the effect that leagues in his cause were forming throughout the country, and Government officials were everywhere notified to prevent any filibustering expeditions leaving the coast. On the 25th of November, however, he managed, with a few followers, to reach San Juan del Norte, where he was taken up by Commodore Paulding and carried back to the United States.

## CHAPTER XVI.

“BLEEDING KANSAS”—GOVERNOR SHANNON—THE TO-  
PEKA CONVENTION—THE LEAVENWORTH CON-  
VENTION—THE WAR BEGINS.

FROM this Central American digression it is now necessary to return to the main matter before the country, “bleeding Kansas.” Governor Reeder’s first important act was to order the taking of the census, which was completed in the following February, showing an adult white population of about twelve thousand, and a colored population of three hundred and ninety-three, of which two hundred and forty-two were slaves; with only two thousand nine hundred and five voters.

The Governor then divided the Territory into eighteen districts, appointed judges of election, and ordered the election for a Territorial Legislature to be held on March 30, 1855. The census was taken between the 20th of January and the last day of February, and by the time the day of the election came around there was considerable change in the actual population. And, although it was claimed that the Free-State Aid societies were flooding the Territory with voters, the result of the election, whether true or false, did not establish this claim; for the entire Legislature, except two members, was pro-slavery.

The Free-State party held the election as fraudulent, and Governor Reeder rejected the returns in several cases, and ordered new elections to be held in May. To the other members he gave certificates, more from the necessities of the situation than the belief that they, too, were not the work of fraud. The Legislature thus chosen assembled by the Governor's proclamation on the second day of July at a new place called Pawnee, a matter of a hundred miles from the Missouri border.

Governor Reeder was accused, even by the President, of selfish and unworthy motives in designating this place for the meeting of the first Legislature. Although there was some kind of hotel at the place, it was no doubt inconvenient enough. To make it appear more so, and present every possible pretext for moving from it, some members took tents and camped in them. The Legislature unseated one of the two Free-soil members elected in March, and the other resigned, and the May election ordered and held, was set aside entirely. This organization now took the name of "Bogus Legislature" by Free-State men everywhere, and put itself at once in direct conflict with the Governor. On the 4th of July an act was passed for removing the place of sitting to the Shawnee Mission School, one mile from the Missouri border, and four miles from the famous "Border Ruffian" town, Westport, in that State; and here it convened on the 16th of the same month, although the Governor had vetoed the act providing for the removal. It was claimed that Reeder's land specu-

lations induced him to locate the seat at Pawnee, and it was also held that he did it in order to remove the Legislature from Missouri influence. However this may have been, the position the pro-slavery Legislature had now taken laid it liable to the most direct and plausible charges.

The accommodations at the Mission were but little superior to those at Pawnee, and the greater portion of the members were daily carried backward and forward to Westport, in Missouri, their quarters. Some members of this Legislature were actually residents of Missouri, and this fact furnished another good reason for removing to the Mission Manual Labor School. Of this statement there is no need of doubt or quibble at this day.

Governor Reeder was out of favor with the pro-slavery party in the Territory at this time, and this was sufficient to start suspicions at Washington as to the propriety of his appointment, after all the assurances and speculations about his being sound, under the slavery interpretation of the term. He had been in the Territory but a few days indeed before the "Border Ruffians" objected to his course. The fact is, though a staunch Democrat, as Reeder approached the scene of action and understood better how matters really were, like Tom Thorpe, the honest Missourian who testified before the Congressional Committee, he found that "things were cuttin' up a little too high," and that "he was down on this thing of votin' over in the Territory, and would n't subscribe to no such fixin's."

It was not long before he was made to feel in his own person the true spirit of the people with whom he had to deal. In the spring of 1855 he made a trip to Washington to consult with the President on Kansas affairs. During this trip he made several speeches which put the case in an unfavorable light on the pro-slavery side, and while not being in harmony with the inclinations of the Administration, certainly aroused much feeling against him in Kansas. On his return one of the "Border Ruffians," in a wholly unprovoked and cowardly manner, assaulted him when off his guard, in his own room. The character of this assailant, as well as the spirit of the party he represented, and, after a time, the general animus of both sides in the struggle in the Territory, may be fairly seen in the following extract from a speech made by this very "russian:"—

"I tell you to mark every scoundrel among you that is in the least tainted with Free-soilism or Abolitionism, and exterminate him. Neither give nor take quarter from the — rascals. I propose to mark them in this house, and on the present occasion, so you may crush them out. To those having qualms of conscience as to violating laws, State or national, the time has come when such impositions must be disregarded, as your lives and property are in danger, and I advise you, one and all, to enter every election district in Kansas, in defiance of Reeder and his vile myrmidons, and vote at the point of the bowie-knife and revolver. Neither give nor take quarter, as our cause demands. It is enough that the slaveholding interest wills it, from which there is no appeal. What right has Governor Reeder to rule Missourians in Kansas? His proclamation and prescribed oath must be disregarded; it

is your interest to do so. Mind that slavery is established where it is not prohibited."

This speech becomes more noticeable when it is remembered that it was delivered to Missourians at St. Joseph. But further glimpses of the spirit actuating both parties may be gathered on succeeding pages.

Although Governor Reeder returned to Kansas as its Governor, he must have known that he was not destined to hold the unenviable position much longer. Mr. Marcy first notified him of charges held against him of speculating in lands on the Kansas, or Kaw River, and then of his probable removal. The first or "Bogus Legislature" also asked the President to remove him, and in its petition charged him "with willful neglect of the interests of the Territory; with endeavoring, by all means in his power, to subvert the ends and objects intended by the 'Kansas and Nebraska Bill;' by neglecting the public interests, and making them subservient to private speculation; by aiding and encouraging persons in factious and treasonable opposition to the wishes of the majority of the citizens of the Territory, and the laws of the United States in force in said Territory; by encouraging persons to violate the laws of the United States, and set at defiance the commands of the General Government; by inciting persons to resist the laws which may be passed by the present Legislative Assembly of this Territory; and, finally, by a virtual dissolution of all connection with the present Legislative Assembly of this Territory."

Accordingly, Reeder sent the following to the Assembly, being then at the Mission:—

“GENTLEMEN,—Although in my message to your bodies, under date of 21st instant, I stated that I was unable to convince myself of the legality of your session at this place, for reasons then given, and although that opinion still remains unchanged, yet, inasmuch as my reasons were not satisfactory to you, and the bills passed by your Houses have been up to this time sent to me for approval, it is proper that I should inform you that after your adjournment of yesterday, I received official notification that my functions as Governor of the Territory of Kansas were terminated. No successor having arrived, Secretary Woodson will, of course, perform the duties of the office as acting Governor.

A. H. REEDER.

“SHAWNEE MANUAL LABOR SCHOOL, August 16, 1855.”

Daniel Woodson, the Secretary, who was now acting Governor, and had served in that capacity during Mr. Reeder’s trip to the East, was from Arkansas, and although in full sympathy with his section, did not, perhaps, sanction all of its excesses. Mrs. Robinson, the wife of Dr. Charles Robinson, afterwards the Free-State Governor of Kansas, in her somewhat extravagant book, “Kansas, its Interior and Exterior Life,” says of this removal:—

“The officials at Washington, with President Pierce as their nominal head, have seen that in Governor Reeder the whole people of the Territory have an impartial friend; have seen, too, that he follows to the letter the law under which he acts as Governor. They are no less determined now than at the time of the repeal of the Missouri Compromise, to force slavery upon this fair land, and have therefore resolved to remove him upon a false charge of

speculating in Kaw lands. He has repudiated the acts of the Legislature because of their holding their session in violation of the organic act. Now a creature will be sent here in the form of a man, but ignoring all manliness, and selling body and soul to do the infamous work of the slave power. No man of integrity and sterling honesty can long hold this office, as he will displease both the people of Missouri and the Federal Head."

Although this severe language may have some apology, if necessary, in the fact that its author wrote much of her book during her husband's long imprisonment as a political offender at Lecompton, yet this extract but expresses the common sentiment of the Free-State party in Kansas and out of it, as to the character of the first Governor and the designs of the Administration and its friends.

It were vain to look for the language of moderation in the affairs of Kansas in all the records of that day, no matter what channel is taken. In the Congressional legislation of 1854, the old-time restraints had been removed from the conservative and radical alike. It was now the day of extremes. Moderation was gone. Passion and wisdom held high carnival together, and every written thought bears the hue of the heat of the times.

Wilson Shannon, of Ohio, now accepted the governorship of Kansas, and was a man peculiarly adapted to the partisan demands of the occasion. The Missourians and their Kansas friends were anxious for the appointment of Secretary Woodson, but in that respect the Administration did not favor the doctrine of non-intervention. But the pro-slavery

party was not disappointed in Governor Shannon; under him every possible opportunity was given for its success. Mr. T. H. Gladstone, an Englishman, who traveled in Kansas at the time, and who gave his experiences and observations to "The London Times," in, perhaps, the most impartial spirit of the day, regarded Governor Shannon as being of the true "Border Ruffian" style of character. Mr. William Phillips, the correspondent of "The New York Tribune," gives this description of Shannon:—

"His form is tall, but stoops forward, and is awkward and inelegant. His hair is gray, almost white. With acquirements not much above mediocrity, and abilities rather below it, it is difficult to comprehend how he could ever have been Governor of Ohio. Not only does his mind lack in weight, but in stability. . . . He is a politician without being a statesman; not one of the cunning adepts at political chicanery, but a working politician, of the abject type, who permits himself to be molded and used by others merely for what little honor or interest it may afford. . . .

"A political habit has made him affable to all who are within the circle of his possible interests. This disposition has often misled some people as to his true position. In his company they would find that he professed regard for the interests and rights of all, and sometimes deplored or affected to deplore the unfortunate occurrences resulting from his bad management or corrupt intriguing with party. . . .

"Had Governor Shannon been a good disciple of temperance, he would in all probability have been a much better or a much worse Governor. As it is, he is liable to follow an erratic course, and the opinion you form of him depends mainly on what particular stage of his potations

you find him. While a member of Congress Mr. Shannon often gave indication of these symptoms; but the care of an estimable and affectionate daughter saved him from much of that depth into which he has since fallen. She watched him, guided him, kept him sober, and even, it is stated, wisely counseled him on his public course. Would that the Administration had included her name in the Territorial appointments. But he has always been a ‘consistent Democrat;’ that is, according to the modern rendering of the term. His votes on that question (slavery extension) have always been thrown for the policy of the South. He has filled many important public offices, and has represented the United States abroad at more than one nation.”

On the 1st of September, 1855, the new Governor, accompanied by his son, arrived and took up his residence at the Shawnee Mission. At Kansas City, Westport, and other points in Missouri he had been quite flatteringly received, and before he entered the Territory his character and course were well understood. He made no secret of his sentiments and intentions, and at once selected his friends. In his speech at Westport he stood out fully on the pro-slavery side, and was at once adopted by Missouri. It is said that in this speech he frequently referred to the “Bogus Legislature” as the Legislature of the people of Missouri. But I find no report of this speech which I feel disposed to adopt as fully reliable. Under his instructions Governor Shannon adopted the “Bogus or Missouri Legislature,” as the Free-State party called it, and under its voluminous code began his administration, showing little dispo-

sition to waste his attentions in a friendly way on the Free-State element. The Legislature at Shawnee Mission had appointed two major-generals and other officers, and provided for the organization of the militia. This body had passed some wonderful laws, considering the principle held to be the foundation of the Kansas-Nebraska Act. Draco believed that all crimes were deserving of death to their perpetrators, and as the gradations of this mode of punishment could not be very well fixed, nothing being harder and more cruel than death, the penalty of all crimes was made to be death. Very much of this character were the laws for the Territory, as they came from this first Legislature, touching slavery, the matter then of the highest interest, and, indeed, the one which embraced all other questions and interests.

It was provided:—

1. That stirring the negroes to rebel should be punished by death.
2. That furnishing arms to or assisting in rebellion of negroes should be punished by death.
3. That speaking, writing, or circulating in any way, language inciting to rebellion should be punished by death.
4. That enticing a negro from slavery to freedom should be punished by death, or imprisonment for not less than ten years.
5. That aiding only in the foregoing offense should be punished in the same way.
6. That enticing a slave from service in any State and bringing him as a free man into the Territory

should be punished by death, or imprisonment, as the two former items, at hard labor for not less than ten years.

7. That enticing away and concealing a slave in the Territory should be punished by imprisonment at hard labor for not less than five years.

8. That harboring or aiding in any way any slave that escaped from any other State, should be punished by hard labor in prison for not less than five years.

9. That resisting an officer in his attempt to arrest a runaway slave, or rescuing such a slave from the hands of an officer, should be punished by imprisonment at hard labor for not less than two years.

10. That the refusal of any officer to assist in taking a slave who has escaped from service in that or any other Territory should be punished by a fine of not less than one hundred nor more than five hundred dollars.

11. That printing and publishing, or aiding in printing or publishing any opinions or arguments, or even innuendoes that would lead to trouble with the slaves, or put any in the notion of running away, should be punished by imprisonment at hard labor for not less than five years.

12. That speaking, writing, or any way maintaining the opinion, or aiding to circulate by any printing the opinion that slavery was not in itself right, should be punished by imprisonment at hard labor for not less than two years.

This wonderful slave code was to go into effect

on the 15th day of September, 1855. Kansas was yet a Territory, and the establishment of slavery in it at all was a question to be decided in the future. The body which had enacted this code was declared an illegal one by a large portion of the Territory; and the Governor had so treated it and all its works; and, perhaps, not a man in Kansas or Missouri to-day believes that it was a legally formed Legislature. Even President Pierce, in sanctioning it, did not believe it regularly and lawfully organized, and fell back upon the weak apology that "for all present purposes the legislative body thus constituted and elected was the legitimate Assembly of the Territory;" and at any rate, "whatever irregularities might have occurred in the election, it seemed too late now to raise that question." That several of its members were actually residents of Missouri is absolutely true, a thing that no intelligent man would now attempt to deny. Under all the circumstances the slave code, substantially given here, was a just ground of universal surprise and indignation throughout the North; and in this, as well as in the mode of organization and character of this Legislative Assembly, may be seen the ground of opposition by a large portion of the people of the Territory. The character and wisdom of that opposition are yet to be shown; but, however doubtful they may have been, there are, perhaps, few men to-day anywhere who regret that the opposition was made. It was but another preparatory step in the introduction of the great conflict which ended in 1865. Governor Shannon made the pro-slavery cause

his own from the outset, and at once the Free-State party was arrayed against him, as the Slavery party had been bitterly opposed to his predecessor, a man much more ready to do justice to both sides.

On the 5th of September a large convention of Free-State men met at Big Springs, having delegates, it was claimed, from every settlement in the Territory. This convention did several important things, one of which was to repudiate the Shawnee Mission Legislature and all its acts. The convention also nominated Ex-Governor Reeder as delegate to Congress, and fixed the day of the election for October 9th, instead of the 2d, as the Legislature had appointed. On the 19th the first Topeka Convention assembled according to the provision of a mass meeting at Lawrence, and of the Big Springs, meeting on the 5th. At this time a secret defensive organization was formed at Lawrence, on which Governor Shannon laid much stress in his reports, and which became the nucleus of resistance on the part of the Free-State element.

The Topeka Convention placed its action upon the statement that the people of the Territory were prevented from electing members of a Legislature in March, under the proclamation of Reeder, owing to the invasion of the Territory by armed men, who took charge of the polls and produced a result to suit themselves, without reference to the principle of non-intervention; and hence they proposed to take another start and give the citizens an opportunity to elect a Congressman and organize a government for

themselves. The following are the leading features of the work of this convention, substantially :—

1. The appointment of an election for the second Tuesday in October, to choose members for a convention to form a State constitution for admission to the Union.

2. The appointment of “The Executive Committee of Kansas Territory;” this committee to do what Governor Shannon should refuse to do, besides managing the general affairs of the party.

3. Declaration of resistance to the laws of the “Spurious Legislature.”

4. Rejection of the decision of the Supreme Court of the Territory, as to the validity of the laws of the Legislature, and an appeal from the partisan Court.

5. To submit to the laws no longer than the interest of the people might demand, and to form volunteer companies throughout the Territory to resist by force when the interests of the Territory demanded.

6. To reject the “election law” of the Legislature, and appoint a day for electing a delegate to Congress.

The convention also adopted a platform on which it was determined to rally all the available strength to secure Kansas as a Free State. This platform contained a strong State-Rights and non-intervention clause ; invited all men of every party to join it ; opposed non-resident voters from every source ; declared that Kansas should be a Free State ; and desired to provide liberally for the freedom of the slaves then

in the Territory ; repudiated the charge of Abolitionism ; and that no negro of any kind, bond or free, should be allowed to enter the Territory.

The pro-slavery element refused to act with these men, and on the 2d of October held their election for a delegate to Congress, to whom Governor Shannon gave the certificate. On the 9th of the same month the Free-State party elected Reeder as the Congressional delegate.

On the 22d of October the "Constitutional Convention" convened at Topeka, but the delegates were slow in arriving, and the convention adjourned without a quorum. The next day an organization was effected with James H. Lane, an anti-slavery Democrat, as president. This assemblage was composed of men who had come from nearly every State in the Union, and represented every shade of politics, except that there were no advocates of slavery and no Abolitionists. This convention was a strange instance of the time-serving timidity and insincerity of a really brave set of men. One of the positions taken by this body was that all free black persons as well as slaves should be excluded from the new State, and it was accordingly requested as an addition to the constitution that the first Legislature which should assemble under it should pass a law to keep free negroes out of the State. And this resolution was supported mainly on the ground that it would relieve them of the supposed offense, stigma, crime, or whatever it was regarded, of Abolitionism. At the same time the main feature of the constitution

formed by this body was that declaring Kansas to be forever free from slavery. These men were really all Abolitionists in sentiment, although few of them could, perhaps, have been placed among the underground, negro-stealing class, which served to give a certain undefined odium to theoretical Abolitionism, but who were the daring, self-constituted outposts and sappers and miners of the great contending principle of universal freedom in civilization. Several members of this convention had gone to Kansas as supporters of the Kansas-Nebraska Act and great admirers of "squatter sovereignty," but a year's experience had relieved them of their attachment to these things. While there were few able men in this convention, it was a fair average of such bodies; in some respects, too, very much resembling the "Bogus Legislature," which it held in utter contempt. The great volume of laws arranged and passed by this Legislature, it was claimed, was a mere copy, with titles changed from the various Slave-State codes, and especially of that of Missouri. In this "Topeka Constitutional Convention" each "statesman," when he could do so, relied on the constitution of the State from which he had come for his wisdom.

Affairs were fast approaching a crisis in the Territory. Several murders had been committed, and Pardee Butler, a preacher, had been shamefully handled at Atchison, and sent down the river on a raft. Butler had expressed himself as a Free-soiler, and declined to subscribe to the resolutions of a pro-slavery meeting recently held in that town. The

Atchison pro-slavery organ, "The Squatter Sovereign," said of this case :—

"Such treatment may be expected by all scoundrels visiting our town for the purpose of interfering with our time-honored institutions, and the same punishment we will be happy to award to all Free-soilers, Abolitionists, and their emissaries."

The various secret orders formed among the Free-State men of the Territory had also become a subject of excitement. Little or no attempt had yet been made to execute any of the laws of the Legislature.

In this state of things a pro-slavery convention met on the 14th of November at Leavenworth. Strangely enough, Governor Shannon was a delegate to this convention, and was chosen its chairman. At first view it would appear unblushingly outrageous for the governor of a Territory to join openly with a bitter, extreme, and utterly reckless faction, but the case was not without plausible apology. Shannon's first unwise and unjust step was in choosing sides or having any friends at all. But even in this he was not so much to be blamed. He was merely an instrument, and that he understood from the first. He exhibited some shyness in meeting the Free-soilers, and the result was that they "snubbed" him. When he refused to receive their attentions on a very hurried trip to Lawrence, they groaned him out of town. That is, they groaned for his benefit as he went out. The Free-State men had repudiated the Shawnee Mission Legislature and all its enactments; and there was nobody to enforce these laws. These

laws were made by the slave party and for its benefit, and that party fully indorsed them. The Administration at Washington had adopted this Legislature and all its provisions; and Shannon was sent to Kansas to avoid all such blunders as were made by his predecessor. He could have done no otherwise than to take the course he did, even had he desired, which he had no notion of doing. Consequently his course lay in the direction of the Leavenworth Convention, in which no Free-soiler was allowed to take part, and which did not contain, indeed, a moderate pro-slavery delegate. The ostensible purpose of this convention was to take steps toward providing a way for the execution of the laws which had been compiled for the Territory at Shawnee Mission. At this convention the pro-slavery advocates took the name of the Law-and-Order party, and with great apparent innocence and integrity they took every possible advantage of this fortunate, however little-deserved, distinction throughout the subsequent contest in the partisan newspapers and otherwise, and even in Congress. The managers in this convention shrewdly saw the benefit which would arise to them by the substitution of law-and-order for pro-slavery; the very use of this name by them would seem to outlaw their Free-State opponents, who really repudiated the acts of what they termed the "Missouri Legislature."

But the Free-soilers taking the position that the Legislature was bogus and unlawful because it had been elected by Missouri pro-slavery men, and was,

to some extent, actually made up of residents of that State, who never had resided in Kansas, and therefore, that the whole thing was an outrage against anything like justice, law, or order, also called themselves the Law-and-Order party. They considered their right to this designation much strengthened by their habits and practices, saying nothing of their other intrinsic merits. The beauty of these qualities was not always apparent, however, in the future progress of affairs.

In the Leavenworth Convention Shannon and John Calhoun (Surveyor-General of the two new Territories) were really the leaders, and both made very bitter, one-sided, and unwise speeches. But Shannon got the full indorsement of the convention, which ended in a pledge to support him in carrying out the laws as enacted at the Mission. As this meeting had been gotten up for outside effect, undoubtedly, so the platform adopted by it, and which was greatly changed subsequently by the revising committee, was especially designed for the same purpose.

On the 21st of November, 1855, at Hickory Point, or Hickory Grove, Charles W. Dow, a Free-State man, when unarmed and unsuspecting, was shot and instantly killed by F. M. Coleman, a pro-slavery neighbor. Although matters were aggravated by unprovoked murders and outrages of every description by both parties subsequently, yet this heinous crime was taken as the immediate cause of the war which followed, and which thoroughly aroused all

the slumbering fires of freedom and slavery throughout the whole Nation. A brief explanation of the circumstances of this murder will throw some light on the official documents which are here introduced, as well as the true and false pretensions of the entire conflict.

One other subject besides slavery disturbed the people of Kansas. Even before the Indian titles were extinguished and the lands of the Territory thrown open for settlement, border men, especially Missourians, had staked their "claims." There soon came a struggle for the possession of the most desirable lands, and this struggle was rendered peculiarly bitter by the slavery issue. "Claims" were made and deserted, and even while temporarily abandoned, were "jumped" by other settlers. Some "claims" were taken possession of by others while the original claimant was actually on the land; and in some cases attempts were made to secure all the land in a neighborhood to settlers of the same political faith, through intimidation, persecution, or any means at hand. One of the spots contended for in this way was a fine grove of timber on the Santa Fé road south of the Wakarusa River, not far from Lawrence, called Hickory Point. This valuable tract was claimed and held mostly originally by Free-State men, but subsequently some pro-slavery settlers came in, taking the unclaimed parts, and jumping others actually held. Hickory Grove was greatly coveted by both parties, and where there was no law to protect men in their rights, excesses especially marked its

settlement. Among the Free-State settlers at this point was Charles W. Dow. By the side of Dow, Franklin M. Coleman, of Missouri, had a "claim," and with his family lived in a "shanty" upon it. This man had been accused of taking the improvements from other "claims" to help along his own, and other such tricks, and he finally began to cut the timber from Dow's. This he was notified to stop. But it was contrary to the atmosphere in which he had been reared to have his selfish desires opposed; and he soon deliberately came to the conclusion to take Dow's life. Two of his pro-slavery neighbors, Hargis and Buckley, were privy to his design, and on the 21st of November were with him when he carried it into effect. Near his own house, as Dow walked from him on the road, he snapped his gun at him, aiming to strike him in the back, but this missed fire, and while Dow turned to see what caused the report, and threw up his hands imploring him not to shoot, he deliberately put on a new cap and taking aim emptied the contents of his gun into the poor victim's heart. During the day Dow's body was carried to Jacob Branson's.

This cool-blooded murder greatly incensed the Free-State men of Hickory Point, and threats of revenge were, no doubt, freely indulged in, and where they were not conveyed to the murderer and his associates it was natural enough for them to imagine and expect something to be done. But nothing was done until the 26th, when a meeting of calm and determined men was held at the Grove, at which resolu-

tions were passed, deplored the act and pledging themselves to use proper means to bring the guilty to punishment, and at the same time urging the abstaining from house-burning or other extreme and worthless conduct. The murderer and both of his accomplices had in the meantime fled towards Missouri. Their families were not long in following them; and other pro-slavery settlers took their example, not because they were either threatened or driven, but from reasoning of the consequences of such a crime had the cases been reversed.

Near the Shawnee Mission the murderer fell in with Samuel J. Jones, who resided at Westport, Missouri, but who had been appointed sheriff of Douglas County, Kansas. To him he made known what had happened, whereupon Jones took him to Governor Shannon, with the understanding that he must go through some sort of trial in the Territory, which should be a matter of no consequence in the end. After referring the case to Shannon these two men started for Lecompton, where the Legislature had located the capital, under the pretense that the criminal was to be examined there. This much is certain. The theory of the Free-State men was that as these men journeyed towards Lecompton they fell in with the two accomplices to the murder, and with these they laid the plan for bringing on the war immediately between the two parties. Hargis and Buckley were to swear to certain things, and a peace-warrant should be taken out before a magistrate at Lawrence, who it was known would perform the

service required, for the arrest of Jacob Branson; that Branson should be taken to Lawrence for trial, and that there, of course, he would be rescued from the sheriff, and that would bring about the rupture the pro-slavery factionists desired. At all events, this program was carried out substantially. The sheriff gathered a posse of fifteen men, proceeded to Hickory Point, and arrested Branson in the night, and started with him to Lawrence. Their business becoming known to the Free-State neighbors, fourteen or fifteen of them, some unarmed and others carrying pistols or Sharpe's rifles, came upon the sheriff's posse and rescued Branson without firing a shot. In the rescuing party there were only three citizens of Lawrence, and at this point the case did not stand just as had been desired by the "Law-and-Order" sheriff, as the main point was to have a pretext for the destruction of Lawrence, and for this it was necessary the rescue of Branson from the officer of the law should be by Lawrence men, and in Lawrence. But the plan should not prove resultless by this unlooked-for turn, and what was wanting in fact could be supplied in lies and bluster.

The rescue of Branson occurred on the 27th, and on the same night the sheriff sent one of the scamps with the following exaggerated statement and demand to Governor Shannon:—

"DOUGLAS COUNTY, K. T., November 27, 1855.

"SIR,—Last night I, with a posse of ten men, arrested one Jacob Branson by virtue of a peace-warrant regularly issued, who, on our return was rescued by a party of forty

armed men, who rushed upon us suddenly from behind a house upon the road-side, all armed to the teeth with Sharpe's rifles.

" You may consider an open rebellion as having already commenced, and I call upon you for three thousand men to carry out the laws. Mr. Hargis (the bearer of the letter) will give you more particularly the circumstances.

" Most respectfully,

" SAMUEL J. JONES, Sheriff of Douglas County."

The sheriff and two of his men made sworn statements before Judge Cato, transferring the conflict in part, as was designed, to other willing hands. There were some oversights in these statements, besides the mere untruths, which made against them then, and have stood against them ever since; one of which was as to the demand for three thousand men to carry out the laws. The sheriff knew that Governor Shannon had no men, and also knew that neither three thousand nor three hundred militia could be raised in the Territory. There was no such thing as an organized or enrolled militia, although the Legislature at the Mission had given military offices to some of its members, and to others. If Governor Shannon did not dream of the source from which these men could be drawn, the sheriff of Douglas County did. The Governor now sent similar dispatches to the two generals, William P. Richardson and H. J. Strickler, appointed by the Legislature, telling them of his letter from Jones, urging them to collect forces and report to Jones at Lecompton, but for the sole purpose of aiding the sheriff in executing the laws.

## CHAPTER XVII.

“BLEEDING KANSAS”—GOVERNOR SHANNON, WOODSON, ET AL.—FREE-STATE CONVENTION—FREE-STATE ELECTION — GOVERNOR ROBINSON — PRESIDENT PIERCE'S PROCLAMATION—PREPARATIONS FOR WAR.

“INDEPENDENCE, Mo., December 2d.

“AN express in at ten o'clock last night says all the volunteers, ammunition, etc., that can be raised will be needed. The express was forwarded by Governor Shannon to Colonel Woodson, and by Woodson to this place, to be transmitted to various parts of the county. Call a meeting and do every thing you can.

“DRS. McMURRY AND HENRY.”

“KANSAS CITY, Mo., December 3d.

“Mr. Payne, the mayor of this city, went to Liberty to-day, and succeeded in raising one hundred men and one thousand dollars for the assistance of Jones.”

“INDEPENDENCE, December 3d.

“Jones will not make a move until there is sufficient force in the field to ensure success. We have not more than three hundred men in the Territory (except at elections). You will therefore, urge all who are interested in the matter to start immediately for the seat of war. There is no doubt as to having a fight, and we all know that a great many were disappointed heretofore in regard to a fight. Say to them, now is the time to show game, and if we are defeated this time, the Territory is lost to the South.”

This was signed by five responsible citizens of Independence. A. G. Boone, a friend of Governor Shannon's and a descendant of Daniel Boone, the hunter and Indian fighter, who resided at Westport and was a business partner of Sheriff Jones, issued an inflammatory appeal to the people of Missouri. Others did the same, and these were all circulated through the State, some of them under the most extravagant and exasperating pretensions calling the "lovers of law and order" to rally for the conflict.

The Governor now wrote the following wonderful letter to the President, showing how utterly incomplete his data were; and on the next day issued a proclamation looking to the protection of the sheriff of Douglas County and the suppression of lawless organizations against the system he was upholding:—

“EXECUTIVE OFFICE, SHAWNEE MISSION,  
“KANSAS TERRITORY, November 28, 1855. } }

“SIR,—Affairs in this Territory are daily assuming a shape of great danger to the peace and good order of society. I am well satisfied that there exists in this Territory a secret military organization, which has for its object, among other things, resistance to the laws by force. Until within a few days past I have looked upon the threats of leading men and public papers, who have placed themselves in an attitude of resistance to the laws, as not intended by those who made them to be carried into execution. I am now satisfied of the existence of this secret military organization, and that those engaged in it have been secretly supplied with arms and munitions of war, and that it is the object and purpose of this organization to resist the laws by force. The strength of this organization is variously estimated at from one to two thousand, but I have no satisfactory data from which to estimate its real strength, and I do not believe they can command, for any given purpose, more than one

thousand men. They are said to be well supplied with Sharpe's rifles and revolvers, and that they are bound by an oath to assist each other in the resistance of the laws when called upon to do so. Independent of the disclosures made by those who formerly belonged to this association, and the hints thrown out by some of the public journals in their interest, the most practical proof of the truth of these allegations consists in their own acts. A few days since a difficulty took place in Douglas County, some ten miles south of Lawrence, between one of these men and a man by the name of Coleman, from Virginia, in relation to a claim, in which the former was shot and died immediately. Coleman was taken into custody for trial by the sheriff of that county, and to avoid all ground of objection as to legal authority, Judge Lecompte was written to and requested to attend at the county seat (it being in his judicial district) and sit as an examining court. In the meantime a large body of armed men, said to be from three to four hundred, collected at or near Lawrence, for the avowed purpose of rescuing Coleman from the sheriff and executing him without a trial. Coleman claims that he shot the man strictly in self-defense, and is willing to abide a judicial investigation and trial. On Monday last a warrant was issued against one of this band of men for threatening the life of one of his neighbors, and placed in the hands of the sheriff of the county for execution, who, with a posse of some ten men, arrested him on Tuesday night, and as he was conveying the prisoner to Lecompton he was met about two o'clock in the morning by a band of these men, consisting of between forty and fifty, all armed with Sharpe's rifles and revolvers, who forcibly rescued the prisoner out of his hands and openly proclaimed that there were no officers or law in this Territory. In the settlement in which these transactions took place, there were from sixteen to twenty Law-and-Order families, and about one hundred Free-soil families. At the last advices three of the houses of the former had been burnt down by this armed band, cattle had been killed, and a considerable amount of corn and other personal property destroyed, and the whole Law-and-Order population of that neighborhood, induced by terror, had fled, except two families, whose lives were threatened. Helpless women and children have been forced by fear and threats to flee from their homes and seek

shelter and protection in the State of Missouri. Measures were being taken by the legal authorities to procure warrants against these lawless men, and have them arrested and legally tried. Under these circumstances, the sheriff of the county has called on me for three thousand men to aid him in the execution of the warrants in his hands, and to protect him and his prisoner from the violence of this armed force. The force required by the sheriff is far beyond what I believe to be necessary, and, indeed, far beyond what could be raised in this Territory. From five to eight hundred men will be amply sufficient, I have no doubt, to protect the sheriff and enable him to execute the legal process in his hands. With the view of giving to the sheriff the requisite aid, I have issued orders to Major-General Richardson, of the northern division of militia of this Territory, a prudent and discreet man, a copy of which I send you herewith. I also send you a copy of a request I have made of General Strickler, who resides in the adjoining county to Douglas. These are the only orders I have thought it necessary to issue, by means of which, I believe, a sufficient force will be raised to protect the sheriff and enable him to execute the legal process in his hands.

"The time has come when this armed band of men, who are seeking to subvert and render powerless the existing government, have to be met and the laws enforced against them, or submit to their lawless dominion. If the lives and property of unoffending citizens of this Territory can not be protected by law, there is an end to practical government, and it becomes a useless formality.

"The excitement along the borders of Missouri is running wild, and nothing but the enforcement of the laws against these men will allay it. Since the disclosure of the existence and purposes of this secret military organization in this Territory, there has been much excitement along the borders of Missouri, but it has been held in check heretofore by assurances that the laws of the Territory would be enforced, and that protection would be given to the citizens against all unlawful acts of this association. This feeling and intense excitement can still be held in subordination if the laws are faithfully executed; otherwise there is no power here that can control this border excite-

ment, and civil war is inevitable. This military organization is looked upon as hostile to all Southern men, or rather to the Law-and-Order party of the Territory, many of whom have relations and friends, and all have sympathizers, in Missouri; and the moment it is believed that the laws will not furnish adequate protection to this class of citizens against the lawless acts of this armed association, a force will be precipitated across the line, to redress real and supposed wrongs, inflicted on friends, that can not be controlled or for the moment resisted. It is in vain to conceal the fact, we are standing on a volcano; the upheavings and agitations beneath we feel, and no one can tell the hour when an eruption may take place. Under existing circumstances, the importance of sustaining the sheriff of Douglas County, and enabling him to execute his process, independent of other considerations connected with the peace and good order of society, will strike you at once; and to do this, by the aid and assistance of the citizens of this Territory, is the great object to be accomplished to avoid the dreadful evils of civil war. I believe this can be done. In this, however, I may be mistaken. No efforts shall be wanting on my part to preserve good order in the Territory, and I will keep you constantly advised of the progress and state of things here.

"I have the honor to be your obedient servant,

"WILSON SHANNON.

"His Excellency FRANKLIN PIERCE."

The people of Lawrence considered themselves especially involved in this letter and also the proclamation, and a meeting was called to consider the course to be pursued in the case; and the committee appointed made a report declaring the whole matter utterly false and groundless, as there was no armed band of Free-State men in the community setting any authority at defiance. The rescue of Branson had been effected by a collection of his neighbors, and the houses of the three pro-slavery murderers had, perhaps, been burned by some of these men;

but these had dispersed to their homes, and Lawrence refused even, in a dastardly way, to retain among them the three of their own citizens who had assisted in the rescue, although their conduct was fully sanctioned in principle by the Free-State men of that town. Even now, when the army of Missourians began to gather for no other purpose than to have a fight with them and destroy their town, they were determined to act on the defensive only. A memorial was also sent to Congress, complaining of the Governor's proclamation and his subsequent action, and asking the interposition of that body. With this appeal to Congress was also sent the following brief letter from the Secretary of the Territory to Eastin, a general appointed for the militia by the Legislature :—

“DEAR GENERAL,—The Governor has called out the militia, and you will hereby organize your division, and proceed forthwith to Lecompton. As the Governor has no power, you may call out the Platte Rifle Company. They are always ready to help us. Whatever you do, do not implicate the Governor. DANIEL WOODSON.”

Mr. Woodson denied under oath that he wrote and sent this letter, and it may, perhaps, be properly classed among the fabrications of the reckless and unscrupulous members of his party for effect where it was most needed. And it had the desired effect, as the following will show:—

“WESTON, Mo., November 30th.

“The greatest excitement continues to exist in Kansas. The officers have been resisted by the mobocrats,

and the interposition of the militia has been called for. A secret letter from Secretary Woodson to General Eastin has been written, in which the writer requests General Eastin to call for the rifle company, at Platte City, Mo., so as not to compromise Governor Shannon. Four hundred men from Jackson County are now *en route* for Douglas County, K. T. St. Joseph and Weston are requested to furnish each the same number. The people of Kansas are to be subjugated at all hazards."

However little many of the "Border Russians" cared for the consequences of their acts, the leaders were anxious to have every plausible excuse possible, and the apparent sanction of the officers of the Administration in Kansas was of great importance. Governor Shannon was in their hands, and while he really wished well to all the people, he was weak and pliant. The Presidential contest was now out of the way of influence from any missteps of either party. But while these men were determined to have the sanction of the Governor, he was equally anxious to have the co-operation of the Administration; and on the 1st of December, from Kansas City, he sent to the President for permission to call upon Colonel E. V. Sumner, at Fort Leavenworth, for troops to quell the disturbance. At the same time he urged Sumner to march with his cavalry to the scene of conflict. On the 5th he received a dispatch from the President, which he forwarded to Fort Leavenworth, but as it contained no direct order Sumner considered it inadvisable for him to interfere. The Governor now became extremely uneasy as to the turn affairs might suddenly take, and on the 2d of

December wrote to General Richardson and Sheriff Jones to do nothing but for the preservation of law and order, and wait the troops of the regular army, and asking the sheriff not even to attempt to execute his writs for the arrest of the Branson rescuers until he could arrive on the scene with Sumner's command. The Governor was now still more disturbed by the arrival at his quarters of a committee from Lawrence to notify him that an armed mob had appeared from Missouri, and was then threatening to destroy their town.

On the 5th Governor Shannon, in company with A. G. Boone, set out for the pro-slavery camp, on the Wakarusa, and on the way learned to his disappointment that he could expect no aid from Sumner, without a direct order from Washington. On the following morning the Governor arrived at the Wakarusa camp, and immediately set about trying to undo the bad business he had been instrumental in starting. Many of the pro-slavery men were armed with guns they had forcibly taken from the United States arsenal in Clay County, Missouri; and although these men had some doubts and uneasiness about the virtue of the Sharpe's rifles with which the Free-State men were said to be fully armed, they were anxious to fight, and especially to have an opportunity to demolish Lawrence. They were mainly opposed to Governor Shannon's plan of bringing in the United States troops. And when, on the 7th, the Governor started another messenger to Colonel Sumner, arrangements were set on foot by the pro-slavery men to intercept

him. Shannon now again issued orders to the pro-slavery commanders to allow no step to be taken without consulting him.

But it was with no little difficulty that the Missourians were prevented from raising the black flag and marching upon Lawrence; and this desire became greater as it appeared more certain that a temporary adjustment would be made. On the 7th, by invitation, the Governor visited Lawrence, and, for the first time, had an opportunity to see for himself the untenable ground on which the whole affair on the part of the pro-slavery men and himself had been gotten up. He now became still more alarmed as to its probable consequences. The Free-State men were not willing to give up their arms, but were anxious for the United States troops to stand between them and the chance of a conflict they did not desire. Every man who had a Sharpe's rifle considered it his private property, and of the faith the Lawrence people put in this gun there can be no doubt. Dr. Charles Robinson, perhaps the most able of all the Free-State leaders in the Kansas troubles, was chosen commander of the Lawrence force, and James H. Lane, who like many others had heretofore been little known in the history of affairs, was made second in command. These men had not only removed every objectionable thing from their midst, but were also acting on the defensive. On the other hand, the pro-slavery men were opposed to the interference of the United States troops, and were not averse even to a contest with them if they were withheld from their

object. And while they were unwilling to surrender the arms they had taken from the Government, they were not disposed to entertain the thought that the Free-State men should retain possession of those they did not get from the Government, and which, to some extent at least, they had paid for with their own money. Even at the last hour, and after the treaty had been made, the Governor did not feel safe from the hands of his own friends. He had helped in great haste to raise a storm which he doubted his ability to allay. A really timid man, he had been led to venture an experiment in the face of an indefinite risk. At last the following agreement was produced, and sanctioned by the pro-slavery leaders:—

“ WHEREAS, there is a misunderstanding between the people of Kansas, or a portion of them, and the Governor thereof, arising out of the rescue at Hickory Point of a citizen under arrest, and other matters; and

“ WHEREAS, a strong apprehension exists that said misunderstanding may lead to civil strife and bloodshed; and

“ WHEREAS, as it is desired by both Governor Shannon and the citizens of Lawrence and its vicinity, to avoid a calamity so disastrous to the interests of the Territory and the Union; and to place all parties in a correct position before the world: Now, therefore, it is agreed by the said Governor Shannon and the undersigned citizens of the said Territory, in Lawrence now assembled, that the matter is settled as follows, to wit:—

“ We, the said citizens of said Territory, protest that the said rescue was made without our knowledge or consent, but that if any of our citizens in said Territory were engaged in said rescue, we pledge ourselves to aid in the execution of any legal process against them; that we have

no knowledge of the previous, present, or prospective existence of any organization in the said Territory for the resistance of the laws; and we have not designed and do not design to resist the execution of any legal service of any criminal process therein, but pledge ourselves to aid in the execution of the laws, when called upon by the proper authority, in the town and vicinity of Lawrence, and that we will use our influence in preserving order therein, and declare that we are now, as we have ever been, ready to aid the Governor in securing a posse for the execution of such process: *Provided*, that any person thus arrested in Lawrence or its vicinity, while a foreign foe shall remain in the Territory, shall be only examined before a United States District Judge of said Territory, in said town, and admitted to bail; and *provided further*, that all citizens arrested without legal process, shall be set at liberty; and *provided further*, that Governor Shannon agrees to use his influence to secure to the citizens of Kansas Territory remuneration for any damage suffered in any unlawful depredations, if any such have been committed by the sheriff's posse in Douglas County. And further Governor Shannon states that he has not called upon persons, residents of any other States, to aid in the execution of the laws; that such as are here are here of their own choice, and that he does not consider that he has any authority to do so, and that he will not call upon any citizens of any other State who may be here.

"We wish it understood, that we do not herein express any opinion as to the validity of the enactments of the Territorial Legislature. WILSON SHANNON,

"(Signed,)

WILSON SHANNON,  
CHARLES ROBINSON,  
J. H. LANE.

"Done in LAWRENCE, K. T., December 8, 1855."

On the following day the Governor issued his orders to the pro-slavery leaders to withdraw with

their troops, as he was now satisfied there would be no more resistance to the laws on the part of the people of the Territory, and their services were not further required, which were carried out in the course of a few days amidst loud complaints, to the effect that the Governor was not the man for the emergency, or had gone over to the other side. From this time forward Shannon was unsatisfactory to his own party, and without the confidence of any.

It must not be supposed that the Free-State men assembled at Lawrence at this time were all cool and cautious like Charles Robinson, or that the disposition to fight or do mischief was all on the side of the pro-slavery army. Among the defenders of Lawrence were some very unreliable and inflammable spirits, who attempted to excite the men to fury after the treaty had been signed, by declaring that concessions had been made to which they should never submit. To the acts of the "Bogus Legislature" they never would submit. Lane was a turbulent man, whose speech and demeanor excited to hostility, and the restraining influence of Dr. Robinson was necessary at every step to prevent unfortunate outbreaks. The murder of Thomas W. Barber, a Free-State man, during the negotiations with the Governor and his party greatly excited them, and believing themselves superior in arms, at the least thing they were ready to rush into a bloody contest, and even after the treaty had been signed they demanded to be led out of the defenses to attack the Wakarusa camp.

There were many men in the Lawrence camp who never would have signed such an agreement with Governor Shannon, and it was necessary to conceal its true contents for a time from the people. This treaty is a strange affair, and can have but one explanation, perhaps. Its insincerity is but too apparent. The Governor had got into a difficulty, and the Free-State leaders were willing to help him out of it, so they were themselves benefited. The language concerning the main point at issue, the rescue of Branson, is ambiguous, and was meant to be so. The Free-State men understood one thing and the pro-slavery another. What was legal authority to one was not to the other. And it has been seen how far it was true that Governor Shannon had not invited the Missourians to his aid. The night of the 9th of December Shannon passed in Lawrence, much of which he spent in drinking whisky with his new friends, and acting very unlike the Governor of a Territory should. He was happy over the escape he had achieved, and was much pleased with his new acquaintances. A party was given on the night of the 10th, and he was to attend it, with Jones and other pro-slavery leaders, but he concluded to leave on that morning for Shawnee Mission.

On one of the Governor's visits to Lawrence during the negotiation he made a speech to the soldiers, in which he said :—

“He hoped and believed that the people of Lawrence and vicinity were law-abiding people. Indeed, he had learned that he had misunderstood them, and that they

were estimable and orderly people; but houses, it was said, had been burned, and other outrages had been charged upon the Free-State men. They must remember this when they judge of these things. They were, perhaps, innocent, but he hoped they would abide a judicial tribunal. He hoped now to preserve order, and to get these men out of the Territory. If he could serve the people of Kansas, as a Governor or as private citizen, he would always be happy to do so."

This speech took much of the life out of his previous operations, including his proclamation and letters to the President. During the Governor's carousals on the night of the 9th in Lawrence, there came alarms of attacks from the angry Missourians, and in the midst of one of these the Governor was induced to sign the following order, which turned him completely over to the other side, but which he subsequently explained in a manner not wholly unsatisfactory, and which he regarded as cunningly devised, if not an unfair advantage he did not expect:—

"To C. ROBINSON AND J. H. LANE, Commanders of the Enrolled Citizens of Lawrence:—

"You are hereby authorized and directed to take such measures, and use the enrolled forces under your command in such manner, for the preservation of the peace and the protection of the persons and property of the people in Lawrence and its vicinity, as in your judgment shall best secure that end.

WILSON SHANNON.

"LAWRENCE, December 9, 1855."

By provision of the Free-State Convention which closed its labors on the 11th of November, the State constitution formed by that body was to be sub-

mitted to the people on the 15th of December. The hostilities at Lawrence had greatly interfered with the prospects of this election. The Territory had not been canvassed, and the few days elapsing after the withdrawal of the Missourians were mainly spent in the necessities demanded by a severe winter in a new, open country. Still the election was quite general, except along the Missouri border, and at Leavenworth at noon the ballot-box was taken possession of and further voting entirely prevented by a pro-slavery mob of the worst character from Missouri. Of the one thousand seven hundred and thirty-one votes counted forty-eight were against the Constitution, the pro-slavery men taking no part in the election.

An election of officers under the constitution was held on the 15th of January, 1856. On the 22d of December a convention for the nomination of candidates was held at Lawrence. The Free-State men were by no means harmonious. Even on the question of abolition they were divided, some of them pretending to a greater aversion to the term *Abolitionism* than others; and for a time a Free-State Anti-Abolition ticket was talked of, but this time-serving folly amounted to nothing. The regular nominees were for Governor, Dr. Charles Robinson, and for Lieutenant-Governor, W. Y. Roberts. A full ticket, including Judges of the Supreme Court, was put in nomination; and all of them elected in January. The pro-slavery people took no part in this election, except by forbidding the polls to be opened

in Leavenworth. On account of this interference, and to give the Free-State men of Leavenworth an opportunity to vote, the election was held at Easton, ten or twelve miles away, on the 17th; but even this was not without a fatal termination. A company of the Kickapoo Rangers, a "Border Russian" organization, and other pro-slavery advocates, met the people on the roads and drove many of them back from the polls. During the evening a skirmish occurred between some of the "rangers" and a small company of Free-State men led by E. P. Brown, who had been over to aid in the defense of Lawrence. As Brown and two of his neighbors returned home that night they were waylaid and captured. Poor Brown was a brave fellow, but he was given no chance for his life now. He begged to be allowed to fight any one, two, or three of the pro-slavery men, but after disarming him they fell upon and murdered him in an utterly savage manner.

But a few weeks had passed since peace was made at Lawrence, and yet there had been no peace. The Free-State men were unconquered, and the possibilities of Kansas becoming a Slave State were no more certain than they were at the outset. The contest was yet to come. The President now came to the rescue in defense of the Kansas policy of the Administration party and the "Bogus Legislature," in a special message to Congress on the 24th of January, and while the House was still unorganized. This message declared the illegality of all the acts of the Free-State party towards organizing a State govern-

ment, and, to a great extent, encouraged the pro-slavery cause.

Up to this time Missouri had mainly supported the weight of the contest between freedom and slavery in Kansas. But now appeals were made to remote Slave States to come to the rescue of the doubtful cause of the South. And forthwith Kansas pro-slavery emigrant societies sprang into great activity. The leader in this call to the Gulf States was David R. Atchison, who in a certain emergency would have become President of the United States. In one of his letters Mr. Atchison wrote:—

“Let your young men come on in squads as fast as they can be raised, well armed. We want none but true men. . . . I was a peace-maker in the difficulty lately settled by Governor Shannon. I counseled the ‘Ruffians’ to forbearance, but I will never again counsel peace.”

Immediately after the Free-State election in January, the pro-slavery newspapers took the matter up in their former evil tone, and these were answered back with cutting severity by the border and other Free-State papers. On the 18th of January “The Kansas Pioneer,” published at Kickapoo, on the Missouri River, cried in its inflammatory editorial:—

“Sound the bugle of war over the length and breadth of the land, and leave not an Abolitionist in the Territory to relate their (his) treacherous and contaminating deeds. Strike your piercing rifle-balls and your glittering steel to their black and poisonous hearts! Let the war-cry never cease in Kansas again until our Territory is wrenched of the last vestige of Abolitionism.”

Although the friends of slavery held it as an indisputable fact beyond the bounds of reason and discussion that the Kansas-Nebraska Act had given Kansas to them, and that it really was theirs, and that any opposer of slavery was an unwarrantable intruder, the more wise and considerate deplored extreme groundless measures, and politicians feared the consequences of precipitancy on the party that propped them throughout the country. Amidst the great masses of misrepresentation, there must be pretexts, although they might at heart be only villainy. Among these was the Branson rescuing business. Coleman had been turned free, as it was always designed he should be, but Sheriff Jones now started afresh in his search after the fourteen or forty law-breakers who had set at defiance the executor of law and order. His main haunt was Lawrence, where he yet hoped something would turn up which would lead on to its destruction. He was finally shot while standing in the door of his tent, but he had his own doctor, and recovered with amazing rapidity. And although the people of Lawrence were very kind to him, declared against the would-be assassin, and offered a reward for his arrest, every possible use was made of the incident to stir up the strife and deepen the inveterate hatred against Lawrence. The Free-State men subsequently believed and circulated the opinion that Jones was not shot, and that the whole affair was set up by him and other agitators to furnish a pretext for offensive operations. Governor Shannon who stood in the way of his party friends more than other-

wise, went East in January, and advantage was taken of his absence for Secretary Woodson to put matters on as far as possible.

On the 21st of January the following statement signed by Robinson, Lane, J. R. Goodin, and George W. Deitzer was sent to the President:—

“ We have authentic information that an overwhelming force of the citizens of Missouri are organizing upon our border, amply supplied with artillery, for the avowed purpose of invading this Territory, demoralizing our towns and butchering our unoffending Free-State citizens. We respectfully demand, on behalf of the citizens of Kansas, that the commandant of the United States troops in this vicinity be immediately instructed to interfere to prevent such an inhuman outrage.”

Two days later another communication to the President signed by the two Free-State leaders, after reiterating the former statement with the added item that seven-tenths of the population of the Territory were Free-State, demanded that the President issue a proclamation at once forbidding the invasion to which they directed his attention. Although Mr. Pierce was somewhat tardy in taking the step, it may be fairly assumed that he was not actuated so wholly, as many have supposed, by his desire to carry out the policy of the party irrespective of the general good, in Kansas affairs. At last the President issued a proclamation dated February 11, 1856, in which he said that the supremacy of the laws in Kansas was in danger from the reprehensible acts of persons in the Territory and out of it, and that all these acts

from every source made it necessary for the General Government to interfere. He, consequently, commanded all persons concerned in organizations against the constituted authority of the Territory to disperse and conduct themselves lawfully, or the military force of the Territory and Government would be employed against them. He called upon all citizens of adjoining and distant States to abstain from intermeddling in the affairs of the Territory, and threatened the punishment of those not giving heed to this warning. The proclamation said :—

“If, in any part of the Union, the fury of faction or fanaticism, inflamed into disregard of the great principles of popular sovereignty, which, under the Constitution, are fundamental in the whole structure of our institutions, is to bring on the country the dire calamity of an arbitrament of arms in that Territory, it shall be between lawless violence on the one side and conservative force on the other, wielded by legal authority of the General Government.”

On the day after this proclamation was issued the Secretary of War sent this strangely and cautiously worded letter to Colonels Sumner and Cooke :—

“ WAR DEPARTMENT, WASHINGTON, }  
February 15, 1856. }

“SIR,—The President has, by proclamation, warned all persons combined for insurrection or invasive aggression against the organized government of the Territory of Kansas, or associated to resist the due execution of the laws therein, to abstain from such revolutionary and lawless proceedings, and has commanded them to disperse and retire peaceably to their respective abodes, on pain of being resisted by his whole Constitutional power. If, therefore, the Governor of the Territory, finding the ordinary course

of judicial proceedings and the powers vested in the United States Marshals inadequate for the suppression of insurrectionary combinations or armed resistance to the execution of the law, should make requisition upon you to furnish a military force to aid him in the performance of that official duty, you are hereby directed to employ for that purpose such part of your command as may, in your judgment, consistently be detached from their ordinary duty.

"In executing this delicate function of the military power of the United States you will exercise much caution to avoid, if possible, collision with even insurgent citizens, and will endeavor to suppress resistance to the laws and constituted authorities, by that moral force, which happily, in our country, is ordinarily sufficient to secure respect to the laws of the land, and the regularly constituted authorities of the Government. You will use a sound discretion as to the moment at which the further employment of the military force may be discontinued, and avail yourself of the first opportunity to return with your command to the more grateful and prouder service of the soldier—that of common defense.

"For your guidance in the premises you are referred to the acts of 28th of February, 1795, and 3d of March, 1807 (see Military Laws, pages 301 and 123), and to the proclamation of the President, a copy of which is herewith transmitted.

"Should you need further and more specific instructions, or should, in the progress of events, doubts arise in your mind as to the course which it may be proper for you to pursue, you will communicate directly with this Department, stating the points upon which you wish to be informed.

"Very respectfully, your obedient servant,

"JEFFERSON DAVIS, Secretary of War."

This order only applied to cases of "insurrection or invasive aggressions against the organized govern-

ment of the Territory of Kansas," and either explains or misrepresents the President's proclamation. The whole bearing of this order is in one direction, upon the Free-State men of the Territory, and does not reach the case of the army of pro-slavery crusaders then gathering on the Missouri border. The fact that the South was now mustering this force to make a last strike for securing this new and beautiful land from the blighting and sacrilegious hand of freedom was as well known at Washington as it was in Missouri.

## CHAPTER XVIII.

“BLEEDING KANSAS”—THE KANSAS WAR—ROBINSON,  
LANE, WOODSON, COLONEL SUMNER, GOVERNOR  
SHANNON—LAWRENCE AND ITS FREE  
PRESS—THE NEW GOVERNOR, GEARY.

ON the 4th of March, 1856, the Free-State Legislature and officers of the government met at Topeka. The House elected a speaker, and the Senate was duly organized, all the members taking the oath of office. The president of the Senate administered the oath of office to Charles Robinson as Governor, and he delivered his inaugural address. Congress was then memorialized as to the admission of Kansas as a State. In a joint session the Legislature then elected Governor Andrew H. Reeder and James H. Lane to be United States Senators on the admission of the State into the Union, and after appointing a committee to prepare a code of laws, adjourned until the 4th of July. But these affairs did nothing towards producing peace in the Territory or settling the difficult problem before the country.

To the list of unwise and unsuitable Federal civil officers in the Territory was now added, as United States Marshal, I. B. Donaldson, another Ohio man, and a coarse, reckless, unreliable fellow, of the “Border Ruffian” style, who entered with uncommon

zeal into the strife, more as a pro-slavery partisan than an officer of an impartial and just government. On the night of the 23d of April the sheriff of Douglas County was shot by an unknown man whom he never made much exertion to discover, as has been said; and in this month the Southern contingent began to arrive at Kansas City, under J. Buford, H. T. Titus, and others, to engage in the work of driving the Yankees from Kansas. Early in May the grand jury under the instructions of Lecompte, one of the district judges of the United States, brought in indictments against the members of the Free-State government, nominally in force, for treason, and also declared the Free-State Hotel and the two Free-State newspapers of Lawrence to be nuisances and recommended their removal.

Matters grew worse. It was now fully believed by the Free-State men that the South had agreed to stand by Missouri in whatever course she took; and to make better provision for the future and have a better understanding with their Northern friends, Governor Robinson was commissioned to proceed at once to the East, with a view of returning to the Territory by the 4th of July. On the 10th of May, at Lexington, Missouri, he was arrested on the boat in which he was traveling and taken back to Lecompton, where he was held for several months as a prisoner. Lane was also out of the Territory; and although the Free-State men had men of courage and ability, the loss of their leaders was felt seriously.

The United States Marshal had called the "law-

abiding" citizens to his aid in executing the indictments of the District Court, and the laws of the Territory, and by the 20th of May he had gathered a posse of seven or eight hundred men before Lawrence. These were called Kansas Militia, and were mainly "Border Ruffians" and Buford's men from Alabama, Georgia, and Carolina. At last on the 21st of May a considerable force, the "Law-and-Order" army, as its friends and the pro-slavery newspapers termed it, led by David R. Atchison and others, and headed by the Government of the United States and the Executive of Kansas, in the persons of the marshal and Sheriff Jones, who had already recovered from his severe wound in the spine, demanded the surrender of Lawrence. This demand was complied with, and the cannons and what other implements of war that could be found were delivered over to the sheriff. After which the pro-slavery army proceeded to batter and burn down the Free-State Hotel; and this work, at last, being finished, the presses of the Free-State papers were destroyed, and the type thrown into the Kansas River; and the house of Governor Robinson was burned. Ex-United States Senator Atchison and Sheriff Jones announced this as the happiest day of their lives; and the pro-slavery papers burst out in a general cry of triumph and joy over the lesson which had been taught the vile Abolitionists.

Although a great part of the "Law-and-Order" army now returned to Missouri, the Free-State men felt that they must fight now instead of temporizing

and treating through their leaders; and the result was that a desperate guerrilla warfare sprang up, in which neither party stopped at any extreme. Murders, house-burning, rapine, and every kind of outrage were of almost daily occurrence. One of the most notorious of these partisan leaders on the Free-State side was old John Brown, of Ossawatomie, who taught the supporters of slavery everywhere to fear and hate him; and who alone of all the participators in the Kansas troubles left an imperishable name. However unsatisfactory it is, even now, to trace the course of this extravagant old man, his courage and deathless devotion to a principle must excite some admiration, while there may be a doubt as to his title to a place among the martyrs of human liberty; or, at all events, as to the real service he rendered that cause.

On the pro-slavery or "Law-and-Order" side there were numerous leaders who were like keen-scented bloodhounds in their pursuit of the "infernal Abolitionists." These were to a great extent legalized by the sheriff of Douglas County and the United States marshal; and even Governor Shannon in some of his drunken spasms appeared in the guerrilla raids. H. T. Titus, who was one of the most important executors of his will, was held in utter contempt by the filibuster Walker.

During the administrations of Reeder and Shannon, however, he who did most for the pro-slavery cause, and most on every conceivable ground of truth and misrepresentation to stir up strife and keep it from

dying out, was Secretary and often acting Governor, Daniel Woodson. This man appeared to be utterly unable to see two evils at one time. To him there were not two sides to the Kansas question. There was a Territorial organic law, and that, in his view, gave Kansas to slavery. There was a Legislature, and however that had been organized and composed, Congress had given the Territorial delegate, on the Legislature side, a seat, and the Administration had recognized that Legislature as legal; and the interests of slavery demanded it to be so recognized; and as an officer of the Territory by the appointment of the Administration, he was expected to take the same general view. The principle of "squatter sovereignty" was to him a farce in practice; and was only feasible and appropriate when it turned to the advantage of slavery, and then it was tolerable in whatever questionable shape it came. Stopping and sending back, and even robbing and maltreating Free-State emigrants and what not on the Missouri River, and even finally forbidding them to travel at all on that thoroughfare were matters of little consequence to him, and in keeping with the moral necessities of the occasion. The well-beaten pro-slavery trail to Franklin and Lawrence from Missouri he never saw only in the light of a good. He had neither writs nor words against murder, robbery, arson, persecution, misrepresentation, mob agitation, or any wrong, if it was perpetrated with an eye to the main cause. All his requisitions upon the military commanders in the Territory, and all his proclamations and appeals to

the militia only bore on the one thing. It was Lane's trail, the trail of the Northern horde through Nebraska, or the unlawful and evil acts of the neat, thriving, energetic, Free-State men who had at various times got into the Territory, which he saw, and cared to make objects of his attention.

As the 4th of July approached, this also being the time for the meeting of the Free-State Legislature, some attempt was made to have the greater part of the Free-State men gathered at Topeka to see the introduction of the new government, and be on hand for any emergency. But, notwithstanding the activity of Colonel Sumner, the worst bands of the guerrillas were still prowling through the Territory, and thus rendering it impossible for men to leave their homes unprotected. Still the 4th of July was an eventful day in Topeka, and never before had there been so many people there at one time.

The "Border Ruffians" had also been preparing to make a last strike at the Free-State cause on that day. Steps had been taken for another invasion, but Woodson, then acting Governor, after finding that Colonel Sumner would interpose the Federal troops to prevent the meeting of the Legislature, issued the following proclamation, dated July 4, 1856, and the military commander agreed to stand by him:—

**Proclamation.**

"BY THE ACTING GOVERNOR OF THE TERRITORY OF KANSAS:—

" WHEREAS, we have been reliably informed that a number of persons, claiming legislative powers and authority over the people of the Territory of Kansas, are about to

assemble in the town of Topeka for the purpose of adopting a code of laws or of exercising other legislative functions, in violation of the act of Congress organizing the Territory, and of the laws adopted in pursuance thereof, and it appearing that a military organization exists in this Territory for the purpose of sustaining this unlawful legislative movement, and ‘thus, in effect, subvert by violence all present Constitutional and legal authority;’ and

“ WHEREAS, the President of the United States has, by proclamation, bearing date the 11th February, 1856, declared that any ‘such plan for the determination of the future institutions of the Territory, if carried into action, will constitute the fact of insurrection,’ and therein commanded ‘all persons engaged in such unlawful combinations against the constituted authority of the Territory of Kansas, or of the United States, to disperse and retire peaceably to their respective abodes;’ and

“ WHEREAS, satisfactory evidence exists that said proclamation of the President has been and is about to be disregarded by the persons and combinations above referred to:

“ Now, therefore, I, Daniel Woodson, acting Governor of the Territory of Kansas, by virtue of authority vested in me by law, and in pursuance of the aforesaid proclamation of the President of the United States, and to the end of upholding the legal and constitutional authority of the Territory, and of preserving the public peace and tranquillity, do issue this, my proclamation, forbidding all persons claiming legislative powers and authorities as aforesaid, from assembling, organizing, or attempting to organize, or act in any legislative capacity whatever, under the penalties attached to all willful violators of the laws of the land and disturbers of the peace and tranquillity of the country.

DANIEL WOODSON,

“Acting Governor of Kansas Territory.”

On the 3d a preliminary session of the Legislature was held by a call signed by John Curtis, acting Free-State Governor, Robinson being a prisoner and Roberts being in Washington. In this unorganized session considerable business was done, but it was now fully known that Colonel Sumner, who had arrived with his troops from Leavenworth and Fort Riley, and was encamped near the town, would attempt to arrest proceedings on the following day.

It was, however, determined to go forward in the organization and business of the Legislature on the 4th. Woodson and the marshal of the Territory, with other pro-slavery men were in the camp of Colonel Sumner. Two hours before the time for the meeting of the Legislature the marshal appeared before the assemblage for celebrating the 4th, and supposing it to be the Legislature, had read to it the President's proclamation of the 11th of February and Woodson's proclamation of that morning, with a brief statement from Colonel Sumner, to the effect that he had determined to uphold the acting Governor under the Administration. Just before twelve o'clock Sumner marched into town with the greater part of his force. He then appeared before the members of the House of Representatives, and, after telling them that he was performing the most disagreeable task of his life, ordered them to disperse. Immediately afterwards he repeated his demand to the Senate. Neither House had yet assembled in session according to adjournment in March. Before taking this step Sumner had planted two cannons at

the mouth of the main street leading to the halls where the Legislature was about to assemble. No resistance was made, and after some opposition on the part of the more determined and pugnacious members the demand of the United States was complied with amidst shouts for Colonel Sumner, the Stars and Stripes, Governor Robinson, and the Free-State Legislature, and groans for Franklin Pierce.

Among the Free-State men there was some dissatisfaction on account of the tame course taken by the Legislature. It had been urged before the informal meeting of that body on the 3d that the town should be put in a state of defense, there then being four or five hundred armed Free-State men in it, and that Colonel Sumner be notified that any power attempting to interfere with the people there peaceably assembled in the exercise of a Constitutional right, would be treated as a mob. But this was a mere matter of bluster, and when the moment of trial came the courage was gone. An appeal from Governor Robinson and other prisoners to the Legislature was read, urging a straightforward, unyielding course. But fortunately, perhaps, the more moderate counsels prevailed. Outside of Kansas, and especially in the North, there was considerable diversity of opinion as to the conduct of Colonel Sumner in interfering with this Legislature, and even President Pierce and his Cabinet were not quite easy on the subject, although Woodson's proclamation had been authorized by the Administration.

On the 10th of June, from Lecompton, Governor

Shannon wrote the following note to Colonel J. Buford :—

“ MY DEAR SIR,—Your favor of the 18th is received. I wrote to you some days ago, which I presume you had not received at the date of your last. You can have no difficulty in coming into the Territory with *bona fide* settlers.

“ I have resigned my office, and leave for St. Louis, probably on to-morrow. As soon as I pass the line Colonel Woodson will be the acting Governor, and if you have any difficulty with the troops, you will address him on the subject. I repeat that my proclamation has no application to *bona fide* emigrants coming into the Territory.”

Shannon had not really sent in his resignation, but was leaving the Territory with the intention of never returning to it. He was disgusted. Squatter sovereignty had been too much for him. He had lost his reputation even with the pro-slavery party, and did not consider his life safe among his own friends, the “Border Ruffians.” He had, in the main, served the cause of slavery, but he had not proved himself satisfactory to its supporters. To the Free-State men of Kansas he was considered unworthy of contempt. He had reaped no glory in Kansas, and his appointment had been a disgrace to the Administration and the country. In St. Louis he was met by General Persifer F. Smith on his way to Kansas to supersede Colonel Sumner, and persuaded to return to the Territory. This he did, after publishing a card in the newspapers contradicting the story he had himself circulated, as to his resignation. Still his career was nearly ended, as the Administration had concluded to do for him what he had felt it

necessary to do for himself. At last the following letter was sent to Washington :—

“EXECUTIVE OFFICE, August 18, 1856.

“SIR,—Having received unofficial information of my removal from office, and finding myself here without the moral power which official station confers, and being destitute of any adequate military force to preserve the peace of the country, I feel it due to myself, as well as to the Government, to notify you that I am unwilling to perform the duties of Governor of this Territory any longer.

“You will, therefore, consider my official connection with this Territory as at an end.

“Yours, with great respect,

“WILSON SHANNON.

“His Excellency FRANKLIN PIERCE.”

One of Shannon's last official acts had been felt by him as the most humiliating of his career. This was his second treaty of Lawrence. But this time he had to negotiate with the guerrilla chief, Walker, who had become a terror, even to the “Border Ruffians,” and who had Colonel Titus and others prisoners, whom the Governor was anxious to release.

In this treaty Walker induced the Governor to agree to give up the cannon taken at the burning of Lawrence, and to stop all arresting of Free-State men under the Territorial or “Bogus Legislature” laws. Poor Shannon had not moral force enough to do right under tempting circumstances; and not courage and character to do the work for which he had been sent to Kansas.

Colonel Sumner had been for several months almost wholly engaged with his troops in efforts to

put down the guerrilla warfare in the Territory, and no doubt honestly attempted to carry out the orders of the Administration without a politician's interest. But his course had not proved wholly satisfactory at Washington; and the broken health of General Smith rendered him unsuited to the service.

To a great extent the same spirit prevailed in Congress that characterized affairs in Kansas and Missouri. A bitter sectional strife marked almost every step in the proceedings of that body. On the 12th of March the Senate Committee on Territories made majority and minority reports on the state of affairs in Kansas, these reports taking directly opposite grounds. And on the 19th of the same month a resolution was brought before the House to empower the Committee on Elections to send to Kansas for persons and papers for an investigation of the disturbances there. This was wisely amended so as to provide for the appointment by the Speaker of a special committee of three members to go to the seat of war with power

"To inquire into and collect evidence in regard to the troubles in Kansas generally, and particularly in regard to any fraud or force attempted or practiced in reference to any of the elections which have taken place in said Territory, either under the law organizing said Territory, or under any pretended law which may be alleged to have taken effect there since; that they shall fully investigate and take proof of all violent and tumultuous proceedings in said Territory, at any time since the passage of the Kansas-Nebraska Act, whether engaged in by the residents of said Territory, or by any person or persons from else-

where going into said Territory, and doing, or encouraging others to do, any act of violence or public disturbance against the laws of the United States, or the rights, peace, and safety of the residents of said Territory; and for that purpose, said committee shall have full power to send for, and examine, and take copies of, all such papers, public records, and proceedings, as in their judgment will be useful in the premises; and also, to send for persons and examine them on oath, or affirmation, as to matters within their knowledge touching the matters of said investigation; and said committee, by their chairman, shall have power to administer all necessary oaths or affirmations connected with their aforesaid duties. That said committee may hold their investigations at such places and times as to them may seem advisable, and that they have leave of absence from the duties of this House until they shall have completed such investigation. That they be authorized to employ one or more clerks, and one or more assistant sergeants-at-arms, to aid them in their investigation; and may administer to them an oath, or affirmation, faithfully to perform the duties assigned to them, respectively, and to keep secret all matters which may come to their knowledge touching such investigation, as said committee may direct, until the report of the same shall be submitted to this House; and said committee may discharge any such clerk or assistant sergeant-at-arms for neglect of duty or disregard of instructions in the premises, and employ others under like regulations."

This resolution was passed by a vote of one hundred and one yeas to ninety-three nays; the Representatives from the Slave States voting unanimously against the investigation in any shape, and with them on this resolution were seventeen members from the Free States. Among these seventeen were

William A. Richardson, late Democratic candidate for Speaker, and the Democratic candidate for Vice-President of the United States in 1880. The Speaker appointed William A. Howard, of Michigan; L. D. Campbell, of Ohio, and Mordecai Oliver, of Missouri. Mr. Campbell declined to serve, and on the 25th John Sherman was substituted for him. On the 27th, this committee met for the first time in Washington City, and appointed four clerks, three sergeants-at-arms, and a reporter. On the 14th of April these men reached Kansas City, and soon afterwards began their investigations in the Territory, reaching Lawrence on the 17th. At Tecumseh, Lecompton, and other points they held sessions, and after a thorough investigation, on the 28th of June, 1856, they reached Washington City.

This committee and its work were looked upon with great disfavor in Missouri and Kansas by the pro-slavery party, and the progress of the investigation was obstructed to some extent by them. Howard and Sherman especially received some undesirable attentions, and at Leavenworth they were warned by anonymous notices to change their course, or prepare for evil consequences. While Ex-Governor Reeder was before the committee at Tecumseh an attempt was made to arrest him, but Reeder claimed exemption on the ground of having been recognized as a claimant for a seat in Congress, and resisted. Reeder was thoroughly hated by the pro-slavery men, and lived in the Territory at great peril. After remaining disguised for several days in a hotel at Kansas

City, he at last escaped as a deck-hand on a steamboat. The majority of the committee made a voluminous report accompanied by a vast amount of testimony and evidence, closing as follows:—

“Your committee report the following facts and conclusions as established by the testimony:—

“*First.* That each election in the Territory, held under the organic or alleged Territorial Law, has been carried by organized invasions from the State of Missouri, by which the people of the Territory have been prevented from exercising the rights secured to them by the organic law.

“*Second.* That the alleged Territorial Legislature was an illegally constituted body, and had no power to pass valid laws, and their enactments are, therefore, null and void.

“*Third.* That these alleged laws have not, as a general thing, been used to protect persons and property and to punish wrong, but for unlawful purposes.

“*Fourth.* That the election under which the sitting delegate, John W. Whitfield, holds his seat, was not held in pursuance of any valid law, and that it should be regarded only as the expression of the choice of those resident citizens who voted for him.

“*Fifth.* That the election under which the contesting delegate, Andrew H. Reeder, claims his seat, was not held in pursuance of law, and that it should be regarded only as the expression of the choice of the resident citizens who voted for him.

“*Sixth.* That Andrew H. Reeder received a greater number of votes of resident citizens than John W. Whitfield for delegate.

“*Seventh.* That in the present condition of the Territory a fair election can not be held without a new census, a stringent and well-guarded election law, the selection of

impartial judges, and the presence of United States troops at every place of election.

“*Eighth.* That the various elections held by the people of the Territory preliminary to the formation of the State government have been as regular as the disturbed condition of the Territory would allow; and that the constitution passed by the convention, held in pursuance of said elections, embodies the will of a majority of the people.

“As it is not the province of your committee to suggest remedies for the existing troubles in the Territory of Kansas, they content themselves with the foregoing statement of facts.

“All of which is respectfully submitted.

“WM. A. HOWARD,  
“JOHN SHERMAN.”

On the 11th of July, 1856, Mr. Oliver also submitted a report, in which after a long general protest to the report and conduct of the majority of the committee, he proceeds to a particular discussion of the whole matter, extending his report over forty or fifty large, closely written pages, consisting of two letters of November and December, 1855, from Governor Wilson Shannon to President Pierce (in themselves involving heavy charges against the Free-State men), some other testimony, and the full statement of his own impressions and views, mainly denying the entire ground and substance of the report of the majority, and to a great extent falling into the error of which he accuses the other members, of making an *ex parte* and partisan presentation of the case outside of the evidence taken by the committee.

The work of this committee was without effect so

far as related to the Administration and the legislation of Congress; and did nothing in arresting the strife in Kansas or allaying the excitement over the country. The policy of the Administration was not to be influenced by either true or false reports. The cry of suffering and wrong from Kansas, and the appeals from the true friends of peace, order, and right, were little heeded; and of all the motives that actuate the conduct of men but one, party interest, appeared in the least likely to exercise a temporarily beneficent influence in the direction of affairs in Kansas. The Presidential election must first be insured beyond a doubt. But while this politic feeling influenced politicians and managers of party machinery, it had much less potency in Kansas and Missouri. The "Border Ruffians" had used every means to hasten Shannon's exit from the Territory. To his evil and immoral habits they had no objection, and although his administration had been mainly executed through their hands, and had been throughout disorderly and wicked, it had yet not been of that utterly abandoned and blood-thirsty character they desired. The chances of the future they were not inclined to risk. They wanted no Northern governor, however consistent as a Democrat he may have been, if long residence in the South had not rendered him more intensely pro-slavery than they were themselves. They would have been willing for, and, indeed, sought the appointment of John Calhoun, the Surveyor-General of Kansas and Nebraska, as Governor. Calhoun was a man of ability, and possessed that

unscrupulous heartlessness which peculiarly fitted him to lead the men who stood on one side of this conflict, and in his utterly uncompromising and determined advocacy of slavery, the "Border Ruffians" acknowledged him to be their superior, notwithstanding his Northern birth. So far as it was possible Woodson was completely the instrument of their will, and they were now going to use him to the best advantage while Shannon's successor was in doubt.

Accordingly Shannon had scarcely crossed the line in fear and disgrace to make his way beyond the Mississippi when Woodson called out the imaginary militia of the Territory; and a few days afterwards (August 25th) issued his proclamation declaring the Territory in a state of rebellion. Everybody in Kansas and Missouri knew who the militia were to whom these appeals were always made. They were the "Border Ruffians" in Missouri and their friends from the South. Of course the pro-slavery towns on the Missouri, and some other Kansas settlements, always furnished men as a sort of contingent to this ever-available force across the border. Acting Governor Woodson had before aided in setting this militia in operation; and now, although his proclamation ostensibly applied to the Territory, he secretly wrote letters and sent messengers to the "Border Ruffian" leaders in Missouri. The extreme newspapers again sounded the alarm and the cry to exterminate the Yankees when the moment was auspicious, was taken up everywhere by the reckless men who were only too glad to have the opportunity to strike on a scale that would promise

complete success. In a few days David R. Atchison and others, with a considerable body of "Ruffians," were on their way to the old rendezvous on the Wakarusa, and at Franklin, Woodson's "Law-and-Order" militia were soon burning houses, committing worse crimes, and filling the country with terror and suffering. Free-State committees now sought Woodson in appeals for executive protection, but in vain. He only answered that Law-and-Order people would be protected. Nothing was left to them but to protect themselves, and this they were not backward about undertaking.

One of Governor Shannon's last performances was in riding about the prairies with a squad of United States soldiers to gather up and rob the settlers of their Sharpe's rifles, the terror of the "Border Ruffians." But they made up for the loss of these in the best way they could. Lane, whose very name was also a terror to the average "Ruffian," had now entered the Territory from Nebraska with several hundred men, and Samuel C. Pomeroy and others were not far behind with hundreds of other "*bona fide* settlers."

Lane had marched rapidly to give battle to the Ex-President of the Senate, Atchison, who, after a spirited fight with a handful of men under old John Brown at Ossawatomie, had plundered and burned the town. The "Border-Ruffian" army rapidly retreated before Lane and his three hundred into Missouri. A part of Woodson's militia, having become disgusted with the house-burning and terrorizing

business in which they had been employed, returned home to await further progress.

At this juncture, John W. Geary, the new Governor, arrived at Fort Leavenworth. The necessities of the Presidential campaign had given him this appointment, and from it his daring and manly nature did not shrink. He was the most able man who had yet entered the Territory in any permanent official capacity. He possessed fine executive qualities, was a skillful lawyer, had the moral courage to see and defend the right, and a sense of honor and justice absolutely incorruptible. On his way up the Missouri River he stopped at Jefferson City to consult with Sterling Price, the Governor of Missouri, who approved his plans for the conduct of affairs in the Territory. On this trip up the river he also met Governor Shannon, who gave him a deplorable picture of the country from which he was fleeing. He was also notified by "Ruffians" at this time that he must not do as Reeder had done, and must know but one issue, slavery, and see but one side of that. In this state of preparation, on the morning of September 9, 1856, he reached Fort Leavenworth, and after discussing and arranging his plans for reconstructing affairs in the Territory to the satisfaction of General Smith, he proceeded to the miserable town of Lecompton, where he entered upon the discharge of his office on the 11th.

In his letter of instructions from Secretary Marcy, he had been directed, first, "to maintain order and quiet in the Territory of Kansas; and second, if disturbances occur therein, to bring to punishment the

offenders." He was also notified, that "the President indulges the hope that by your energy, impartiality, and discretion, the tranquillity of the Territory will be restored, and the persons and property of our citizens therein protected." These instructions he meant to follow literally. After setting out from Washington, the following strange additional instructions were forwarded to him :—

"DEPARTMENT OF STATE, WASHINGTON, }  
"September 2, 1856. }

"SIR,—Reliable information having reached the President that armed and organized bodies of men, avowedly in rebellion against the Territorial government, have concentrated in such numbers as to require additional military forces for their dispersion, you will have the militia of the Territory completely enrolled and organized, to the end that they may, on short notice, be brought into the service of the United States. Upon requisition of the commander of the Military Department in which Kansas is embraced, you will furnish by companies, or regiments, or brigades, or divisions, such number and composition of troops as from time to time you may find in his report to you to be necessary for the suppression of all combinations to resist the laws of the United States, too powerful to be suppressed by the civil authority, and for the maintenance of public order and civil government.

"I am, sir, your obedient servant,

"W. L. MARCY.

"His Excellency JOHN W. GEARY, Governor of the Territory of Kansas, Lecompton."

These instructions evidently refer to bodies of men entering from the North, and entirely omitted those coming over from Missouri.

On the day of his arrival at Lecompton, Governor

Geary issued a spirited, manly, fearless, and fair inaugural or introductory address to the people of the Territory. On the same day he issued two proclamations; one disbanding the militia lately called out by Mr. Woodson, as the employment of militia was not authorized by his instructions, and as a regular force for keeping the peace had been placed at his disposal; and the other for the regular organization of the militia of the Territory.

On the same day he sent out orders for disarming the "militia." This had scarcely been done when he received this dispatch from the Missouri border:—

"HEAD-QUARTERS, MISSION CAMP, }  
September 12, 1856. }

"SIR,—Yesterday I had the honor to report to you my command of Kansas militia, then about eight hundred strong, which was despatched *via* Leavenworth. In case it may not have reached you, I now report one thousand men as Territorial militia, called into the field by proclamation of Acting Governor Woodson, and subject to your orders.

"I have the honor to be, respectfully, your obedient servant,

WILLIAM A. HEISKELL,

"Brigadier-General, commanding 1st Brigade, Southern Division,  
Kansas Militia.

"To his Excellency J. W. GEARY, Governor of Kansas Territory.

"By order: H. MACLEAN, Adjutant."

## CHAPTER XIX.

“BLEEDING KANSAS”—THE SUPREME COURT—GOVERNOR GEARY AND THE LEGISLATURE—SUMNER AND BROOKS—“BORDER RUFFIANISM” IN CONGRESS.

WOODSON was immediately sent to dismiss these men, a feat he was not able to perform. He had easily raised the storm, but to quell it was a different thing. The Governor had sent a secret agent to Lawrence, who kept him informed of the true state of things, and who now urged the necessity of his presence on the border. On the evening of the 14th, with three hundred United States soldiers and a battery of artillery under Colonel P. St. George Cooke, from Fort Riley, the Governor reached Lawrence, where he found three hundred persons in arms, some of whom were women and children, determined to defend themselves to the last.

The next morning the Governor entered the camp on the Wakarusa, amidst threats of assassination, which he did not heed, and where he found David R. Atchison, John W. Whitfield, the Delegate to Congress, John W. Reid, member of the Missouri Legislature, Heiskell, Richardson, George W. Clarke, one of the Government Indian agents and the murderer of Barber, and other such men at the head of the

"Border-Ruffian" or "Law-and-Order" army. Geary made an admirable speech to the officers, and conducted himself throughout in a wise and dignified manner, and, although there were many growls and threats, his demands were finally complied with.

A hundred or more of Lane's men, who had been committing some outrages, were captured about this time by Colonel Cooke, and these were all indicted and held for some time as criminals; they, of course, constituting no part of Woodson's militia. The Governor now made the following report to the President:—

"EXECUTIVE DEPARTMENT, LECOMPTON, K. T., }  
"September 16, 1856. }

"SIR,—My last dispatch was dated the 12th instant, in which I gave you a statement of my operations to that date. Since then I have had business of the deepest importance to occupy every moment of my attention, and to require the most constant watchfulness and untiring energy. Indeed, so absolutely occupied is all my time that I scarcely have a minute to devote to the duty of keeping you apprised of the true condition of this Territory. I have this instant returned from an expedition to Lawrence and the vicinity, and am preparing to depart almost immediately for other sections of the Territory, where my presence is demanded.

"After having issued my address and proclamations in this city, copies of which have been forwarded to you, I sent them with a special messenger to Lawrence, twelve miles to the eastward, where they were made known to the citizens on the 12th instant. The people of that place were alarmed with a report that a large body of armed men, called out by the proclamation of the late acting Governor Woodson, were threatening them with an attack, and they were making the necessary arrangements for resistance. So well authenticated seemed their information, that my agent forwarded an express by a United States trooper, announcing the fact, and calling upon me to

use my power to prevent the impending calamity. This express reached me at half past one o'clock on the morning of the 13th instant. I immediately made a requisition upon Colonel Cooke, commander of the United States forces stationed at this place, for as many troops as could be made available, and in about an hour was on my way towards Lawrence with three hundred mounted men, including a battery of light artillery.

"On arriving at Lawrence, we found the danger had been exaggerated, and that there was no immediate danger for the intervention of the military. The moral effect of our presence, however, was of great avail. The citizens were satisfied that the Government was disposed to render them all needed protection, and I received from them the assurance that they would conduct themselves as law-abiding and peace-loving men. They voluntarily offered to lay down their arms, and enroll themselves as Territorial militia, in accordance with the terms of my proclamation. I returned the same day with the troops, well satisfied with the result of my mission.

"During Saturday, the 13th instant, I remained at my office, which was constantly thronged with men uttering complaints concerning outrages that had been and were being committed upon their persons and property. These complaints came in from every direction, and were made by the advocates of all the conflicting political sentiments with which the Territory has been agitated; and they exhibited clearly a moral condition of affairs too lamentable for any language adequately to describe.

"The whole country was evidently infested with armed bands of marauders, who set all law at defiance, and traveled from place to place, assailing villages, sacking and burning houses, destroying crops, maltreating women and children, driving off and stealing cattle and horses, and murdering harmless men in their own dwellings and on the public highways. Many of these grievances needed immediate redress; but unfortunately the law was a dead letter, no magistrate or judge being at hand to take an affidavit or issue a process, and no marshal or sheriff to be found, even had the judges been present to prepare them to execute the same.

"The next day (Sunday) matters grew worse and worse. The most positive evidence reached me that a large body of

armed and mounted men were devastating the neighborhood of Osawkee and Hardtville, commonly called ‘Hickory Point. Being well convinced of this fact, I determined to act upon my own responsibility, and immediately issued an order to Colonel Cooke for a detachment of his forces to visit the scene of disturbance. In answer to this requisition a squadron of eighty-one men was detached, consisting of Companies C and H, 1st Cavalry, Captains Wood and Newby, the whole under command of Captain Wood. This detachment left the camp at two o'clock P. M., with instructions to proceed to Osawkee and Hickory Point—the former twelve and the latter eighteen miles to the northward of Lecompton. It was accompanied by a deputy marshal.

“In consequence of the want of proper facilities for crossing the Kansas River, it was late in the evening before the force could march. After having proceeded about six miles, intelligence was brought to Captain Wood that a large party of men, under command of a person named Harvey, had come over from Lawrence, and made an attack upon a log house at Hickory Point, in which a number of the settlers had taken refuge. This assault commenced about eleven o'clock in the morning, and continued six hours. The attacking party had charge of a brass six-pounder, the same that was taken by Colonel Doniphan at the Battle of Sacramento. This piece had been freely used in the assault, but without effecting any material damage; as far as has yet been ascertained, but one man was killed and some half-dozen wounded.

“About eleven o'clock in the evening Captain Wood's command met a party of twenty-five men with three wagons, one of which contained a wounded man. These he ascertained to be a portion of Harvey's forces who had been engaged in the assault at Hickory Point, and who were returning to Lawrence. They were immediately arrested, without resistance, disarmed, and held as prisoners. Three others were soon after arrested, who also proved to be a portion of Harvey's party.

“When within about four miles of Hickory Point, Captain Wood discovered a large encampment upon the prairie, near the road leading to Lawrence. It was the main body of Harvey's men, then under command of one Bickerton, Harvey

having left after the attack on Hickory Point. This party was surprised and captured.

"After securing the prisoners, Captain Wood returned to Lecompton, which place he reached about daybreak on Monday, the 15th instant, bringing with him one hundred and one prisoners, one brass field-piece, seven wagons, thirty-eight United States muskets, forty-seven Sharpe's rifles, six hunting rifles, two shot-guns, twenty revolving pistols, fourteen bowie-knives, four swords, and a large supply of ammunition for artillery and small-arms.

"Whilst engaged in making preparations for the foregoing expedition several messengers reached me from Lawrence, announcing that a powerful army was marching upon that place, it being the main body of the militia called into service by the proclamation of Secretary Woodson, when acting Governor. This information was measurably confirmed by the accompanying dispatches from General Heiskell (marked A and B), which had reached me within an hour of each other.

"Satisfied that the most prompt and decisive measures were necessary to prevent the sacrifice of many lives, and the destruction of one of the finest and most prosperous towns in the Territory, and avert a state of affairs which must have inevitably involved the country in a most disastrous civil war, I dispatched the following order to Colonel Cooke:—

"Proceed at all speed with your command to Lawrence, and prevent a collision if possible, and leave a portion of your troops there for that purpose."

"Accordingly, the entire available United States force was put in motion, and reached Lawrence at an early hour in the evening. Here the worst apprehensions of the citizens were discovered to have been well founded. Twenty-seven hundred men, under command of Generals Heiskell, Reid, Atchison, Richardson, Stringfellow, etc., were encamped on the Wakarusa, about four miles from Lawrence, eager and determined to exterminate that place and all its inhabitants. An advanced party of three hundred men had already taken possession of Franklin, one mile from the camp and three miles from Lawrence, and skirmishing parties had begun to engage in deadly conflict.

"Fully appreciating the awful calamities that were impending, I hastened with all possible dispatch to the encampment,

assembled the officers of the militia, and, in the name of the President of the United States, demanded a suspension of hostilities. I had sent, in advance, the Secretary and Adjutant-General of the Territory, with orders to carry out the letter and spirit of my proclamations; but up to the time of my arrival these orders had been unheeded, and I could discover but little disposition to obey them. I addressed the officers in command at considerable length, setting forth the disastrous consequences of such a demonstration as was contemplated, and the absolute necessity of more lawful and conciliatory measures to restore peace, tranquillity, and prosperity to the country. I read my instructions from the President, and convinced them that my whole course of procedure was in accordance therewith, and called upon them to aid me in my efforts, not only to carry out these instructions, but to support and enforce the laws and the Constitution of the United States. I am happy to say that a more ready concurrence in my views was met than I had at first any good reason to expect. It was agreed that the terms of my proclamations should be carried out by the disbandment of the militia; whereupon, the camp was broken up, and the different commands separated, to repair to their respective homes.

"The occurrences thus related are already exerting a beneficent influence; and although the work is not yet accomplished, I do not despair of success in my efforts to satisfy the Government that I am worthy of the high trust which has been reposed in me. As soon as circumstances will permit, I shall visit in person every section of the Territory where I feel assured that my presence will tend to give confidence and security to the people.

"In closing, I have merely to add, that unless I am more fully sustained hereafter by the civil authorities, and serious difficulties and disturbances continue to agitate the Territory, my only recourse will be to martial law, which I must needs proclaim and enforce.

"Most truly and respectfully, your obedient servant,

"JOHN W. GEARY, Governor of Kansas Territory.

"Hon. W. L. MARCY, Secretary of State."

The Governor soon learned that he could put no confidence in the civil officers of the Government

around him, a piece of knowledge of which he had never thought, fortunately for Kansas, when he accepted the difficult position. The civil officers were all extreme pro-slavery men, and most of them of the worst type of "Border Ruffians." They wanted war, the extermination of the Free-soil population; and he wanted peace, and the literal and just application of the new party dogma of "squatter sovereignty" or non-intervention. His task was, indeed, a difficult one, and in bitter amazement he discovered that he was alone, with no support from the Territorial officers; opposed by them and the extreme or controlling portion of the pro-slavery party, and mistrusted and shunned by Free-State men. Even the United States troops in the Territory were commanded by men whose sympathies were with slavery, although there is little evidence to show that either General Smith or Colonel Cooke were in sympathy with disorder and wrong-doing on the part of the "Border Ruffian" and other slavery propagandists, more than they were with wrong-doing from the Free-State men and other friends of freedom.

I have said that the appointment of John W. Geary to be Governor of Kansas was a political necessity. He had on his way through Missouri assured the Democratic leaders that the success of their party at the approaching Presidential election depended upon the state of affairs in Kansas. There peace was an absolute requisite. Notwithstanding, there was evidently a mistake in appointing him. "Squatter sovereignty" at Washington, if it ever meant more,

had come to mean the planting of slavery in Kansas. This was not Governor Geary's understanding of the term; and equal justice without outside interference he made the rule of his conduct. With this determination he did not stop at the election of James Buchanan, where, perhaps, it was supposed and desired by the Administration that he should stop, but pushed on amidst all obstacles in his purposes of equal justice. That President Pierce and his Cabinet neither designed nor desired things to take the course they finally did under him, is, perhaps, plain enough from two simple facts, namely: the apparent disposition to divert him from his course, and the final withdrawal from him, to a great extent, not only the military protection, but also the defensive care of the Government. To these may be added in the same line the utter neglect of the new Buchanan Administration. From the day he entered the Territory until he ceased to be its Governor, his administration of public affairs did not turn to the advantage of the slavery scheme, and hence at every point he met systematic and dogged opposition from the officials under Presidential and Territorial appointment and other leaders on that side. A man who knew no party and held to equal justice in this conflict, was evidently not the man for the occasion. In his desire to establish law and order the source from which he certainly had the greatest reason to expect aid and co-operation, the Supreme Court of the Territory, failed him entirely. Indeed the members of this court not only stood in his way, but also did every-

thing they could to thwart his purposes when they did not fall in line with their wishes as to the success of slavery and its friends. The history of the Supreme Court is one of the remarkable and interesting features of the Kansas struggle, but claims only a brief notice here.

Under the act organizing the Territory, the President had appointed Samuel Dexter Lecompte Chief Justice, and Rush Elmore and Sanders N. Johnson Associate Justices of the Supreme Court. Johnson was a Northern man, but took no side in the troubles of the Territory. Elmore was a slaveholder, but a just and honorable man. They both fell into ill-favor at Washington on the charge of speculating in Indian lands. But they, like Governor Reeder, had only made the preliminary steps towards securing the lands liable to the decision of the Administration. Lecompte was a Marylander, and a lawyer of poor abilities. He took the pro-slavery side, and became one of its most extreme supporters, being willing at all times to sanction any of its acts, and use his official power for its advancement. He had an interest in nearly all the towns laid out by the pro-slavery men, got possession of some of the rich Indian lands, and, although he was an indifferent lawyer, a despicable judge, and a lazy fellow, he managed to become rich from his various pickings.

On the removal of Elmore and Johnson, Sterling G. Cato, of Alabama, and J. M. Burrell, of Pennsylvania were appointed to fill the vacancies. Burrell soon found himself out of place in Kansas, and

remained but a few days in the Territory. He died in Pennsylvania in the fall of 1856. Thomas Cunningham, of that State, was appointed in his place, but he became disgusted on his first appearance in the Territory, and did not enter upon his office. He remained, however, during the session of the Legislature at Lecompton during the winter of 1856, and after fully informing himself on the state of affairs, concluded to stand clear of all partisan matters; not joining in any of the operations of the Democratic party, as then organized in Kansas. The Legislature gave him a portion of the Territory, which he regarded as insulting, and which was distasteful to him, resulting in his resignation being sent to President Buchanan. He was an able and upright lawyer.

Cato was a lawyer of little ability, but he had one qualification which rendered him eminently fit for the position he occupied, unscrupulous devotion to the cause<sup>1</sup> of slavery. When Governor Geary went down to the Wakarusa to disband Woodson's "Border Ruffians," he actually found Judge Cato in the camp with a gun going to help to "wipe out the Abolitionists." He brought Cato back with him to Lecompton, and on the way the Judge was called upon to take the dying testimony of David C. Buffum, a non-combatant Free-State man, and a poor cripple, who had just been shot by some of the Kickapoo marauders, and who died crying to Heaven for vengeance upon the head of the murderer of a helpless man. After much diligence, the Governor discovered through his secret agents the name of the murderer

of Buffum, but the United States Marshal, Israel B. Donaldson, refused to execute the Governor's warrant for his arrest. This fellow was afterwards arrested by Colonel H. T. Titus, and the case was so clear that the pro-slavery grand jury (no Free-State man being allowed to serve on a jury) found an indictment. But in the absence of Governor Geary, Le-compte admitted the murderer to bail, with Sheriff Jones, a worthless man, on the bond. The Governor immediately ordered his rearrest. But Donaldson refused to make the arrest, and asked that his resignation as marshal of the Territory be made known to the President. But the arrest was made, and Le-compte issued a writ of *habeas corpus* on which he again turned the murderer out.

Two things were now quite evident to the Governor, that he was utterly and absolutely without support of any kind from the Supreme Court and the other officers of the Territory, and that he should at once have to abandon the task before him, or attempt it without aid from any source. One thing, however, the Free-State people had already learned, and that was that the new Governor was a man of determined character, with a sense of impartial justice which his party affiliations could never obscure. In his attempts to reform the affairs of the Territory, the Supreme Court came under his notice. On the 23d of September he had caused a letter to be written to each of the judges as to the faithful execution of the laws, and inquiring when they had entered upon their office, what territory they presided over, and

what business had been done. This they answered in time, showing that whatever else they had been engaged in, in their official capacity they had done nothing; or at any rate enough only to exhibit to him the startling fact that the Supreme Court, too, was worse than a farce; a thing he soon learned by some bitter experience.

On the last day of September Governor Geary wrote to Secretary Marcy that peace already reigned in Kansas, and that he would shortly issue a proclamation announcing tranquillity, and inviting citizens driven out by force or fraud to return to the Territory. But this enthusiasm was premature. On the 6th of October an election was held for a delegate to Congress and members of the Legislature, according to the Governor's order. The Free-State men did not appear at this election. Yet, notwithstanding this fact, many "Border Ruffians" came in to swell the pro-slavery vote. Still some effort had been made by both pro-slavery and Free-State men of the more conservative and peaceful sort to sanction the course of the new Governor, and establish his good influence, and, in spite of some disorder here and there, a general quiet prevailed at the end of the year.

On the 6th of January, 1857, less than a quorum of the Free-State Legislature met at Topeka, according to appointment. But the sheriff of Douglas County was on hand with a warrant from Judge Cato for the arrest of the whole body. The few members present were arrested, and shortly afterwards released on bail. Governor Geary had taken the

proper steps to prevent the meeting of this body, but the sheriff's movement was made without his knowledge, and for the purpose of involving him at Washington in a way to bring about his recall.

On the 12th of January the pro-slavery Legislature, elected under the Governor's proclamation, assembled at Lecompton. The Rev. Thomas Johnson, of the Shawnee Mission of the Methodist Episcopal Church, South, who had originally figured in that capacity, was chosen president of the Council. This man had been quite prominent from the outset on the pro-slavery side, without, perhaps, being a "Border Ruffian" in the worst aspects of the term. His missionary work had been successful, and especially so to himself. The fine tract of land which the Government had set aside and improved out of the Indian annuity funds, and which was then the finest and most attractive farm in the Territory, save, perhaps, that on the military reservation at Fort Leavenworth, he had managed, by hook and by crook, to get into his own name; or, strictly speaking, he had acquired the title to two-thirds of it. Still Mr. Johnson was of benefit to the Indian race. That, I say, however, mainly on the ground that every good done in the world in thought, perhaps, as well as deed, goes into the general good, which, in some shape, all men feel, even though they may not be able to perceive it, or know even that it has been done. Mr. T. H. Gladstone says:—

" Instances I need not give, for, to a greater or less degree, every Indian trouble is an example of the preju-

dicial influences of contact with the superior race. I may remark, however, as a further special illustration, that the half-breeds, wherever they exist in America, almost universally exhibit a union of the vices of the two races whence they are derived, whilst their corresponding virtues are lost. . . .

“Upon the whole there is more to sadden than to cheer in the aspect presented by the Indian race on the Western plains of America. In their natural condition unutterably debased, sunk almost to the level of the brute, their contact with the white race has generally contributed but little to their moral or social elevation.”

Governor Geary’s message was not satisfactory to the greater part of the Legislature; and one of its first acts was to hold a secret meeting, in which it was agreed that all bills having a majority of both Houses, which should be vetoed by the Governor, should be passed over his veto. A bill was introduced within the first week for the benefit of the district judges and their friends, giving them authority to admit prisoners to bail under all circumstances, and especially designed to insult the Governor and bring him into trouble with the Court and people. On the 22d of January, Governor Geary vetoed the bill, and it was then at once passed over his veto.

Some of the scoundrels who had warrants hanging over them which never could be executed now came forward, and were admitted to bail by Cato. The sheriff of Douglas County now took it into his head to resign, and had the place conferred upon a much more despicable character, if possible, than himself. This creature the Governor declined to commission,

and the Legislature called upon him for his reasons. These he condescended to give. The fellow was made of the traits the Legislature desired, and his case became the source of the most villainous attacks upon Governor Geary by that body. This man next attempted to assassinate the Governor, and when a just member introduced a resolution condemnatory of the act the violent men resisted it; and Judge Cato said it was not worth while to notice the act, as a writ would not be served upon the would-be assassin.

The Legislature did not fairly represent even the pro-slavery population of Kansas, however, and public demonstrations were made to censure the attempt upon the Governor's life and indorse his energetic, fair, and peaceful policy. In one of these, called irrespective of party, at Lecompton, about the middle of February, this creature was killed, after coming into the assembly and himself attempting to murder others. This affair created great excitement, and the conflict between the Governor and the "Law-and-Order" men became irreconcilable.

In December, by the representations of Governor Geary, the President sent to the Senate the name of a successor to Judge Lecompte, but this not being done in regular form the Senate refused to act on the appointment, and hence Lecompte continued in office until after Geary had himself gone out, greatly to the delight of the rabid pro-slavery men.

The term "Border Ruffian" was not one of reproach among those who bore it, no matter what it

was considered by others, or how it may strike the cultivated ear at this day. The name was worn with pride. Even such men as David R. Atchison did not wince under it. It was not uncommon for one of these men to introduce himself at the whisky trough in such language as the following:—

“ I am a ‘Border Ruffian,’ I am ; none of your city-raised Down-Easters. I can draw my bead at forty rod, and bound to shoot center, anyhow. If the crowd wish, I do n’t care if we have a hand-fight before this heyar bar. I’m dreadful easy to whip; yes, sir-ee, dreadful easy. So jest jump me up, stranger, and we ’ll smash in all-createdly.”

In this history of the Kansas troubles I have avoided introducing the names of these scoundrels and their Free-State imitators, farther than necessity seemed to require, having a strong desire from the outset to aid as little as possible in the perpetuation of their names. With the same feeling I have avoided the mention of most of their atrocious words and deeds.

This Legislature passed a bill providing for the taking of the census preparatory to holding an election for delegates to a convention for framing a State constitution. The bill and the whole scheme involved in it was devised by Democratic politicians in Washington City, and was sent to the Legislature to be passed without alteration. This bill the Governor vetoed, but it was passed all the same with great unanimity. It provided for rejecting from the enrollment all citizens who were not at their homes in the

Territory by the middle of March, and the census was to be complete before the spring emigration began, and all the old trusted and tried pro-slavery "Ruffian" officers were to have charge of the census-taking. Under the success of this plan there was great jubilation among the pro-slavery men. Before vetoing the bill the Governor proposed to the Legislature that, notwithstanding the objectionable character of the measure, if a clause should be added providing for the submitting of the new constitution to the people, he would sign it. But this was rejected, as a thing which would jeopardize, if not defeat, the sole object of the bill, the securing of Kansas as a Slave State.

Nothing was to be risked. The census could easily be made to show up right, and for that matter the obliging census-taker could go with his books to Missouri to prevent the "Ruffians" having the trouble of coming over to be registered. Although there were some honorable and just men in this Legislature, it would, perhaps, be difficult to find another such utterly corrupt and vicious legislative body in all the history of mankind. During its session a pro-slavery convention was held at Lecompton for organizing and naming the party. The convention proposed at first to name itself the "Law-and-Order Convention," but this old farce had become so flimsy that it was simply recognized as the pro-slavery convention, and the party was to be known as the "National Democratic Party of Kansas Territory."

Governor Geary's power was fast waning, the

little he had ever had. Even before the meeting of this Legislature, the Administration had notified him that while the President recognized the necessity of giving him all the aid he required, after a careful examination, he had found that he was not authorized under the laws to do so. And in February, General Smith notified him in an impertinent letter that "the contingency under which the troops were acting he considered to have ceased." His own life could not be protected any more. Thus deserted in his attempt to establish the rule of barely equal justice and right in the Territory, disgusted with the Administration, convinced of his own powerlessness, and well apprised of the course of the incoming President, Governor Geary sent the following letter to Washington :—

"EXECUTIVE DEPARTMENT, LECOMPTON, K. T., }  
"March 4, 1857. }

"His Excellency JAMES BUCHANAN, President of the United States:—

"DEAR SIR,—Please accept my resignation as Governor of Kansas Territory, to take effect on the 20th of the present month, by which time you will be able to select and appoint a proper successor.

"With high respect, your friend and obedient servant,  
"JOHN W. GEARY."

A strange sort of infatuation took hold of President Pierce from the outset as to Kansas affairs. He either desired to believe, or was led by the men with whom he affiliated politically to believe, that all the mischief that was ever done or ever could be done in Kansas was to be chargeable to the Free-State people. They were the agitators and evil-doers, and all the outrages of the

pro-slavery advocates were simply in the line of protecting their assailed rights. And all the instructions from the Administration seemed, after all, to point to the correction of Free-State men. A deaf ear was turned to appeals from these men, who only seemed to claim equal privileges for themselves in the struggle. The President was no doubt controlled, from the first, by the main idea in this whole matter, and that was that Kansas was to be made a Slave State. And here must appear the insincerity with him and all the friends of the Kansas-Nebraska Act with reference to the doctrine of "popular sovereignty," or non-intervention, set forth as the foundation principle of the measure. The conduct of the Administration throughout disproves utterly the theory on which the act was pretentiously placed. The course of its friends, both in and out of Congress, disproves it.

The "Bogus Legislature," which the Administration acknowledged, was a libel on the principle of non-intervention; the code of laws compiled and adopted by that body was a libel on the principle; the whole conduct of the Administration toward the people of the Territory was a libel on the principle; the greater part of the conduct of affairs in the Territory by the organs of Government was a libel on the principle; and all the operations, organizations, and conflicts of the two contending parties were in direct antagonism to the principle.

Mr. Benton had said there was no such principle as "squatter sovereignty," and the history of the Kansas conflict does not disprove his opinion. In

the Territory itself, while the Free-State party and Abolitionists held to the doctrine of non-intervention, and hoped for success through it, they had no respect for it farther than it served their own purposes. It was with them a fair pretense. And with the pro-slavery propagandists it was utterly out of the question. It always was. It always had been. It had secured the repeal of the Missouri Compromise. That was its only good, and that was its end. They understood that Kansas was to be a Slave State. No advocate of slavery, and certainly no slaveholder, ever could mean for a moment that the institution of slavery should be exposed in an open Territorial conflict; nay, more, that even the opinions, likes, feelings, inclinations, "prejudices," rights or wrongs on which slavery was founded and perpetuated, should be a subject of open comparison and discussion. With him slavery was a sacred and interdicted subject. It was the monarchism, the absolutism, of the Republic. If slavery could stand a conflict with freedom, in feeling its advocates could never for an instant tolerate the thought even of exposing it to the test. Popular sovereignty could never be anything but a pretense with them. With these men in the Territory squatter sovereignty was folly and madness. With their friends out of the Territory it only meant a freedom to plant slavery not freedom. The principle in that form was only designed for the occasion. It never could rest on anything but the supposition of a Territory to be divided between freedom and slavery; and in its true character slavery could not maintain itself. With

slavery “squatter sovereignty” died; and with it went down the hopes and aspirations of its ambitious author.

In Congress matters were conducted with little more harmony than they were in Kansas. To some extent that body had caught the spirit of “Border-Ruffianism,” if, indeed, it had been for many years without it. The Kansas question was never broached in any shape in either House without throwing the members into a “Border-Ruffian” paroxysm. Events as they occurred in the Territory were speedily transferred to Congress, where they were fought over again, and the agitation throughout the country doubled and intensified. In each House measure after measure was proposed for the relief of Kansas, each party after its own way, but the two branches could not agree. Mr. Seward and others pressed the question of admitting Kansas as a Free State under the Topeka constitution; Douglas and other Democrats introduced measures looking to the solution of the troubles through the channels already claimed as organized there, with provisions for taking the census and the formation of a State system with the advantages open on the side where they always had been; Mr. Trumbull, of Illinois, proposed doing away with all separate governmental organization and attaching Kansas to Nebraska; and Mr. Collamar, of Vermont, even proposed the restoration of the Missouri Compromise line not including Kansas; but all the efforts at a settlement of the difficulties developed by the Kansas-Nebraska Act failed, and Congress suddenly adjourned

on the 18th of August, 1856, without passing the usual necessary appropriation bills for the operation of all the arms of the Government, thus leaving the Administration in a helpless condition.

To the Army Bill the House appended the condition that the troops should not be employed to enforce the acts of the recognized Legislature and government of Kansas, that the arms belonging to the United States which had been distributed among the alleged militia of the Territory should be withdrawn, and that armed men should be prevented going into the Territory to aid in enforcing any law, real or pretended. The Senate struck out these conditions, but the House refused to yield, and so the army was left unprovided for.

No sooner had this state of affairs been discovered than the President issued the following proclamation, dated August 18, 1856, calling an extra session of Congress :—

“ WHEREAS, while hostilities exist with various Indian tribes on the remote frontier of the United States, and while in other respects the public peace is seriously threatened, Congress has adjourned without granting necessary supplies for the army, depriving the Executive of the power to perform his duty in relation to the common defense and security, and an extraordinary occasion has thus arisen for assembling the two Houses of Congress, I do, therefore, by this, my proclamation, convene the said Houses to meet at the Capital, in the city of Washington, on Thursday, the 21st day of August, instant; hereby requiring the respective Senators and Representatives there and then to assemble, to consult and determine on such measures as the state of the Union may require.”

On the day appointed Congress reassembled, when the President sent to it a brief message, in which no subject was introduced except that for which the session was necessarily called.

The House of Representatives at once took up the Army Bill, and passed it with the provisos formerly attached. The Senate immediately struck out these provisos, and the House again reinserted them. The Senate then decided to maintain its position, and on the 22d, by a very close vote, the House determined to adhere to its conditions. On the 23d motions were made in both branches for committees of conference, but these were not acted upon. A motion for the House to recede from its position as to forbidding the use of the army to enforce the laws of the "Bogus Legislature" of Kansas, was defeated by three votes. The contest on this bill continued until the 30th of August. The House now presented the obnoxious proviso as follows:—

"*Provided*, however, that no part of the military force of the United States, for the support of which appropriations are made by this act, shall be employed in aid of the enforcement of any enactments heretofore made by the body claiming to be the Territorial Legislature of Kansas."

The bill was then sent to the Senate, and this modified proviso was also rejected, by a vote of twenty-six to seven. The bill was then returned to the House, when that body concurred in the Senate's amendment by one hundred and one yeas to ninety-seven nays. Thus the Kansas proviso was defeated,

the purpose of the special session accomplished, and the Administration party victorious.

The contest in Congress receives sufficient illustration from the preceding history of affairs in Kansas. Of course, it was held by the opposition in Congress that the first Legislature of Kansas was a fraudulent body, elected by fraudulent votes, and some of its members being actual residents of Missouri at the time of their election and during the session in which the vast code of Territorial laws was compiled; and consequently, that the laws were fraudulent, to say nothing of the exceedingly obnoxious character of many of them. If one member of the Legislature, called the "Bogus Legislature," was a citizen of Missouri or any other State, the Legislature and all its enactments were fraudulent. That there were such members in it was, perhaps, as little a matter of doubt at that day as at the present time. The laws besides being arranged with a constant view to furthering the cause of slavery, were in many respects unwise and conducive to corruption and injustice in execution.

Neither in the Legislature nor its acts was there any question of right and wrong in general application. It was simply a case of extreme emergency, in which a precious cause was at stake, demanding the sacrifice of everything which stood in its way. This was well known to the party which sustained it, and which was willing to be blind to any such wrong to uphold itself in a desperate emergency. A far more permanent principle than squatter sover-

eignty in the politics of this country is that which considers all things right in party conflicts. On this ground alone the "Bogus Legislature" and its acts must be considered. The moral features of such a theory are unworthy of a thought.

President Pierce had early announced that if there had been errors it was too late to remedy them; and henceforth both his own and the work of his party were bent to the defense of this course, and the effort to meet success in fighting on that line to the end. The correctness of the President's announcement was not apparent at the time, nor was its correctness vindicated by future events.

Few important measures were passed in this session of Congress. The salaries of the members were increased to eight thousand dollars; commissioners were appointed to settle the disputed line between the United States and Great Britain to the north of Washington Territory; compensations of the foreign ministers and other representatives and their attachés were readjusted; vast bodies of the public lands (more than eight millions of acres) were granted for constructing railroads in Mississippi, Michigan, Wisconsin, Iowa, Louisiana, Florida, and Alabama; and nearly seventy millions of dollars appropriated for the various purposes of the Government, including pensions, internal improvements, and Indian affairs. The greater part of the long session which began in a protracted and bitter contest for Speaker of the House, was spent in warm discussions, often unstatesman-like, disorderly, and even riotous, on questions

touching the affairs of Kansas and the approaching Presidential race.

On the 19th of May, 1856, Charles Sumner, in the course of a long speech in the Senate on Kansas affairs, made the following remarks in referring to Senator Andrew Pickens Butler :—

“The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who though ugly to others, is always lovely to him ; though polluted in the sight of the world, is chaste in his sight. I mean the harlot slavery. For her his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for the Senator. The frenzy of Don Quixote, in behalf of his wench, Dulcinea del Toboso, is all surpassed.”

On the following day Mr. Sumner concluded his speech, which was quite intemperate and unwise in many respects, and again referred to Mr. Butler in these words :—

“With regret I come again upon the Senator from South Carolina, who, misrepresenting the Kansas debate, overflowed with rage at some suggestion that Kansas had applied for admission as a State, and with incoherent phrases discharged the loose expectoration of his speech now upon her Representatives, then upon her people. There was nothing extrinsic of the innocent parliamentary debate which he did not repeat, nor was there any possible deviation from truth which he did not make. But the

Senator touches nothing which he does not disfigure with error, sometimes of principle, sometimes of fact. He shows an incapacity for accuracy, whether in stating the Constitution or in stating the law, whether in the details of statistics or the diversions of scholarship.

"He can not ope his mouth but out there flies a blunder. But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming, as he announces, from a State—ay, sir, from South Carolina—he turns his load of disgust from this newly formed community, which he will not recognize even as a body politic. Pray, sir, by what title does he indulge in this egotism. Has he read the history of the State which he represents? He can not surely have forgotten its shameful imbecility from slavery, continued throughout the Revolution, followed by its more shameful assumption for slavery since."

Preston S. Brooks, a hot-headed member of the House from South Carolina, and a nephew of Senator Andrew Pickens Butler, considered the language of Mr. Sumner as especially deserving of his attention, his uncle being absent at the time. Accordingly as the Senate was adjourning on the 22d, he entered the Chamber, where he found Mr. Sumner still engaged at his desk. He approached the Senator, and frankly told him that he had read his speech with as high a sense of impartiality as he possessed, and considering it a libel on his State, as well as his relative, had come to punish him for it. And before Mr. Sumner could rise from his seat, Brooks began the assault in a rapid and furious manner, striking the Senator over the face and head with a heavy cane, until he fell insensible on the floor. By this time Mr. Crittenden and others, yet remaining in the

Chamber, rushing to the spot, put an end to the shameful work. Mr. Sumner was greatly and permanently injured, and was unable to appear in his place again during the Administration of Franklin Pierce. So soon as he was able he left the Capital, and refused to appear in the prosecution against his assailant. Brooks was, however, brought before the criminal court in Washington and fined three hundred dollars, which he paid. The matter was brought before both Houses, but the Senate decided that it had no authority to punish a member of the other branch. The majority of the House committee presented a resolution for the expulsion of Brooks from his seat, and the censure of Henry A. Edmundson, of Virginia, and Lawrence M. Keitt, of South Carolina, who were known beforehand to the intended assault, and were present when it was made. Howell Cobb, of the Committee of Investigation, also made a strange report to the effect that no breach of the privileges of Congressmen had been committed by Mr. Brooks, and that the House had, therefore, no power in the case. The report of the Committee was not finally acted upon until about the middle of July. A two-thirds vote being required for expulsion, the resolution failed, there being one hundred and twenty-one yeas only to ninety-five nays. A vote of censure was sustained in the case of Keitt, when Brooks and himself resigned. They were both re-elected immediately, and soon afterwards again occupied their seats.

It is commonplace and tame to say that this affair created much excitement over the country. And

it is worthy of notice, mainly from its influence on the feverish times, and the two diametrically opposite points from which it was, no doubt, honestly viewed. In the North, although there was no kind of unanimity as to the necessity, propriety, and severity of Mr. Sumner's speech, yet the condemnation of the conduct of his assailant was quite general. And with the North, to a great extent, was the sympathy of the world. And on this side the offense was shifted from the man to the office and the Government. These had been outraged. And in the excitement of the times the crime was soon lifted from the representative of slavery and charged to slavery itself. In this there was no error of fact. Even Thomas Jefferson had said: "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other." Under the system of slavery, "the man must be a prodigy who can retain his manners and morals undravaged." So had said Mr. Jefferson; and so now these violent ebullitions only intensified the growing hatred for slavery, the fosterer of ungovernable passion, overbearing manners, intolerance, tyranny, and cruelty in the white race. That Mr. Sumner had stepped over the boundary prescribed for debate in the moral code of his section may be seen clearly enough in the following extract from one of Edward Everett's letters:—

"I have condemned from the outset, and still most decidedly condemn the policy of the late Administration

towards Kansas. I opposed the Kansas-Nebraska Bill in the Territorial Committee, of which I was a member. I voted against the amendment to the bill by which the Missouri Compromise was repealed. I opposed the bill to the best of my ability, in a speech delivered in the Senate on the 8th of February, 1854, of which I send you a copy; and I should have voted against it on its passage (as I stated in my place at the next meeting of the Senate) had not severe illness compelled me, at half past three o'clock in the morning, to leave the Senate chamber before the vote was taken. I informed my Southern political friends, when the bill was brought in, that it ought to be entitled a bill to 'annihilate all conservative feeling in the non-slaveholding States.' With these views of the subject, though, as I trust, for reasons higher than any effect on party politics, I fully concurred in the main line of argument in Mr. Sumner's speech. Abstaining, however, habitually myself from all personalities in debate, and believing that they always irritate and never persuade nor convince I could not, of course, bestow my 'unqualified approbation' on the manner in which he treated the subject."

Whatever Mr. Sumner became in after times or really was, this speech has little or none of the language, manner, or air of the statesman. His speech was to a great extent as unsuited to the place where it was made as was the assault which it drew upon him. Both Mr. Sumner's speech and Brooks's act were alike things which should never have been.

While there can be no apology for the dastardly conduct of Mr. Brooks, as, perhaps, there never can be for any kind of personal assault, no matter what the provocation, when not strictly on the ground of

self-defense, so it may be maintained that no offensive language or assault in speech is at all justifiable. Neither of these things will find any kind of sanction in a cultivated and disciplined temper, or in a Christian refinement.

On the other hand, the act of Mr. Brooks was looked upon with approbation and favor throughout the South. He received many tokens of this general approbation in various ways, and as he traveled through the country subsequently he boasted of the increased kindly attentions he received on account of it. There was here no sense of any insult offered to the office of Senator or the dignity of the Government. Mr. Cobb had only expressed the sentiment of his section, or of the civilization of slavery, as it was claimed, when he reported that no breach of the privilege of Congress had been infringed in the assault. But the case was not yet ended, nor was its influence lost throughout all the long years of struggle which followed. And thus was slavery (goaded at every turn and point, it is true, by its adversaries) committing acts, every one of which was but a step towards its own destruction.

On the 27th of May, while the matter was under consideration in the Senate, Henry Wilson, the other Senator from Massachusetts, characterized the assault upon Mr. Sumner as “brutal, murderous, and cowardly.” This Mr. Brooks also considered to the best of his ability, and determined that it needed his attention, in a method also claimed to be a peculiar outgrowth of slavery. And accordingly sent Mr.

Wilson a challenge by the hand of Joseph Lane, of Oregon, to fight. On the very spur of the moment Mr. Wilson wrote the following; one of the most noble answers ever made to such a villainous proposition, and which alone entitles his name to a place among the friends of a better civilization:—

“ WASHINGTON, May 29th, half past ten o’clock.

“ HON. P. S. BROOKS:—

“ SIR,—Your note of the 27th instant was placed in my hands by your friend, General Lane, at twenty minutes past ten o’clock to-day.

“ I characterized, on the floor of the Senate, the assault upon my colleague as brutal, murderous, and cowardly. I thought so then; I think so now. I have no qualifications whatever to make in regard to those words. I have never entertained or expressed, in the Senate or elsewhere, the idea of personal responsibility in the sense of the duelist.

“ I have always regarded dueling as the lingering relic of a barbarous civilization, which the law of the country has branded as a crime. While, therefore, I religiously believe in the right of self-defense in its broadest sense, the law of my country, and the mature civilization of my whole life alike forbid me to meet you for the purpose indicated in your letter.

“ Your obedient servant,      HENRY WILSON.”

This brave and manly letter was highly lauded throughout the North, and as deeply censured in the South, where the conscientious convictions of right and wrong, and of personal honor were as sincere and indisputable, but resting on quite different elemental and general principles.

Anson Burlingame also came in for a notice from Mr. Brooks on account of some remarks concerning the assault on Senator Sumner. Mr. Burlingame first modified or explained his remarks, but finding that Brooks took advantage of this to boast of another conquest over Massachusetts, he withdrew his explanation, whereupon Joseph Lane, the delegate from Oregon, who seemed to have little else to do, carried him a challenge to meet Mr. Brooks out of the District. Burlingame wanting Wilson's moral courage, answered that he would be at the Clifton House in Canada at a certain hour to settle the affair, and not doubting that the South Carolinian would be at the place designated, he set out immediately for Canada. There he was notified that Mr. Brooks had declined going to Canada; and both were soon after put under bonds not to fight. Not long after this affair both Brooks and his uncle, Butler, died. When Mr. Butler returned from his farm in Carolina, on the 12th and 13th of June he replied to Mr. Sumner, and in the course of his speech used this language:—

“Sir, a man who occupies a place in the Senate, representing a great Commonwealth like Massachusetts, or representing any State as one of her Senators, occupies a very high position, from which he can send forth to the public what may affect the character of any man, except General Washington, or some one upon whose character the verdict of history has been rendered. There is scarcely any man who can withstand the slander which may proceed from the Senate Chamber of the United States. . . .

“Sir, if there is any one individual more than another who regrets the occasion on which I have spoken it is

myself. I have no temper for strife. I am passing through the last chapter of my public life, and I have no wish to identify my name with anything like a personal controversy. I have never sought it. When the question comes to be examined and solved as to who was the aggressor, it will be found that it was not I on any occasion. I admit that I have three peculiarities of manners, impatience, excitability, and perhaps, absent-mindedness. They are peculiarities which have followed me from the cradle. But, sir, I hope I have never known the time when reason and repentance would not suppress even a temporary injustice."

## CHAPTER XX.

PRESIDENTIAL YEAR—LAST ANNUAL MESSAGE—WHAT OF IT?—PREJUDICE AND FANATICISM.

LONG before the adjournment of Congress the Presidential contest had begun. The Kansas-Nebraska Act had very materially benefited the Know-Nothings, who in the North were conservative or non-committal on the slavery question. In the South the Whigs, who were pro-slavery, to a great extent, went into that new organization; and its leaders were hopeful of so weakening and dividing the other two parties as to come in winners themselves at the end. But there never was a reasonable ground for such hope, and the most they did was to secure the election of Mr. Buchanan. In the contests in Congress arising out of the Kansas troubles, all the Southern Know-Nothings, and many of the Northern ones sided with the Administration. By their aid alone was the Army Appropriation Bill finally passed. But the events of Mr. Pierce's Administration had been greatly instrumental in giving rise to another new party, or an old one with a new name. As the old distinctive issues had become of less weight or passed away, the Whig and Democratic parties had little about which to contend.

President Pierce was a candidate for re-election.

His course had divided and weakened the Democratic party, and he was anxious to see himself vindicated in the nominating convention. But in the main point, he was not gratified. Beyond this ambition to test his standing and policy, he had, perhaps, little desire to remain at the head of affairs during the continuance of a strife which he had been instrumental in originating, and which two or three years' experience might have showed him his utter inability to quell. While the Cincinnati convention indorsed his Administration, Kansas policy and all, it clearly showed that he now wanted the elements of strength necessary for the doubtful emergency.

The Democratic Convention met at Cincinnati June 2, 1856, and John E. Ward, of Georgia, was made chairman. On the first ballot for President two hundred and ninety-six votes were cast, of which Pierce received one hundred and twenty-two, and Buchanan one hundred and thirty-five. After a few ballots the votes for President Pierce began to be cast for Stephen A. Douglas, until on the sixteenth, when Mr. Douglas had twenty-one votes. On the next ballot all the votes of the convention were given to James Buchanan. John Cabell Breckinridge, of Kentucky, was then unanimously chosen for the Vice-Presidency on the third ballot. For a history of this convention see the succeeding volume of this work.

On the 1st day of December, 1856, which was this time the first Monday, Congress convened again. ("Last session of Thirty-Fourth Congress.") John W. Whitfield, whether justly or unjustly, was

admitted as the delegate from Kansas, after some resistance. On the 2d President Pierce sent in his

### LAST ANNUAL MESSAGE.

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:—

The Constitution requires that the President shall, from time to time, not only recommend to the consideration of Congress such measures as he may judge necessary and expedient, but also that he shall give information to them of the state of the Union. To do this fully involves exposition of all matters in the actual condition of the country, domestic or foreign, which essentially concern the general welfare. While performing his Constitutional duty in this respect, the President does not speak merely to express personal convictions, but as the Executive minister of the Government, enabled by his position, and called upon by his official obligations, to scan with an impartial eye the interests of the whole and of every part of the United States.

Of the condition of the domestic interests of the Union, its agriculture, mines, manufactures, navigation, and commerce, it is necessary only to say that the internal prosperity of the country, its continuous and steady advancement in wealth and population, and in private as well as public well-being, attest the wisdom of our institutions, and the predominant spirit of intelligence and patriotism which, notwithstanding occasional irregularities of opinion or action resulting from popular freedom, has distinguished and characterized the people of America.

In the brief interval between the termination of the last and the commencement of the present session of Congress, the public mind has been occupied with the care of selecting, for another Constitutional term, the President and Vice-President of the United States.

The determination of the persons who are of right, or contingently, to preside over the administration of the Government, is, under our system, committed to the States and the people. We appeal to them, by their voice pronounced in the forms of

law, to call whomsoever they will to the high post of Chief Magistrate.

And thus it is that as the Senators represent the respective States of the Union, and the members of the House of Representatives the several constituencies of each State, so the President represents the aggregate population of the United States. Their election of him is the explicit and solemn act of the sole sovereign authority of the Union.

It is impossible to misapprehend the great principles, which, by their recent political action, the people of the United States have sanctioned and announced.

They have asserted the Constitutional equality of each and all of the States of the Union as States; they have affirmed the Constitutional equality of each and all of the citizens of the United States as citizens, whatever their religion, wherever their birth, or their residence; they have maintained the inviolability of the Constitutional rights of the different sections of the Union; and they have proclaimed their devoted and unalterable attachment to the Union and to the Constitution, as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and the essence of the liberty, peace, and greatness of the Republic.

In doing this, they have, at the same time, emphatically condemned the idea of organizing in these United States mere geographical parties; of marshaling in hostile array towards each other the different parts of the country, North or South, East or West.

Schemes of this nature, fraught with incalculable mischief, and which the considerate sense of the people has rejected, could have had countenance in no part of the country, had they not been disguised by suggestions plausible in appearance, acting upon an excited state of the public mind, induced by causes temporary in their character, and it is to be hoped transient in their influence.

Perfect liberty of association for political objects, and the widest scope of discussion, are the received and ordinary conditions of government in our country. Our institutions, framed in the spirit of confidence in the intelligence and integrity of the people, do not forbid citizens either individually or associated

together, to attack by writing, speech, or any other methods short of physical force, the Constitution and the very existence of the Union. Under the shelter of this great liberty, and protected by the laws and usages of the Government they assail, associations have been formed in some of the States of individuals, who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inchoate States of the Union, are really inflamed with desire to change the domestic institutions of existing States. To accomplish their objects they dedicate themselves to the odious task of depreciating the Government organization which stands in their way, and of calumniating, with indiscriminate invective, not only the citizens of particular States, with whose laws they find fault, but all others of their fellow-citizens throughout the country who do not participate with them in their assaults upon the Constitution, framed and adopted by our fathers, and claiming for the privileges it has secured and the blessings it has conferred the steady support and grateful reverence of their children. They seek an object which they well know to be a revolutionary one. They are perfectly aware that the change in the relative condition of the white and black races in the slaveholding States, which they would promote, is beyond their lawful authority; that to them it is a foreign object; that it can not be effected by any peaceful instrumentality of theirs; that for them, and the States of which they are citizens, the only path to its accomplishment is through burning cities, and ravaged fields, and slaughtered populations, and all there is most terrible in foreign, complicated with civil and servile war; and that the first step in the attempt is the forcible disruption of a country embracing in its broad bosom a degree of liberty and an amount of individual and public prosperity to which there is no parallel in history, and substituting in its place hostile governments, driven at once and inevitably into mutual devastation and fratricidal carnage, transforming the now peaceful and felicitous brotherhood into a vast permanent camp of armed men like the rival monarchies of Europe and Asia. Well knowing that such, and such only, are the means and the consequences of their plans and purposes, they endeavor to prepare the people of the United States for civil war by doing everything in their power

to deprive the Constitution and the laws of moral authority, and to undermine the fabric of the Union by appeals to passion and sectional prejudice, by indoctrinating its people with reciprocal hatred, and by educating them to stand face to face as enemies, rather than shoulder to shoulder as friends.

It is by the agency of such unwarrantable interference, foreign and domestic, that the minds of many otherwise good citizens have been so inflamed into the passionate condemnation of the domestic institutions of the Southern States, as at length to pass insensibly to almost equally passionate hostility towards their fellow-citizens of those States, and thus finally to fall into temporary fellowship with the avowed and active enemies of the Constitution. Ardently attached to liberty in the abstract, they do not stop to consider practically how the objects they would attain can be accomplished, nor to reflect that, even if the evil were as great as they deem it, they have no remedy to apply, and that it can be only aggravated by their violence and unconstitutional action. A question, which is one of the most difficult of all the problems of social institution, political economy and statesmanship, they treat with unreasoning intemperance of thought and language. Extremes beget extremes. Violent attack from the North finds its inevitable consequence in the growth of a spirit of angry defiance at the South. Thus in the progress of events we had reached that consummation, which the voice of the people has now so pointedly rebuked, of the attempt of a portion of the States, by a sectional organization and movement, to usurp the control of the Government of the United States.

I confidently believe that the great body of those who inconsiderately took this fatal step are sincerely attached to the Constitution and the Union. They would, upon deliberation, shrink with unaffected horror from any conscious act of disunion or civil war. But they have entered into a path which leads nowhere, unless it be to civil war and disunion, and which has no other possible outlet. They have proceeded thus far in that direction in consequence of the successive stages of their progress having consisted of a series of secondary issues, each of which professed to be confined within Constitutional and peaceful limits, but which attempted indirectly what few men

were willing to do directly, that is, to act aggressively against the Constitutional rights of nearly one-half of the thirty-one States.

In the long series of acts of indirect aggression, the first was the strenuous agitation by citizens of the Northern States, in Congress and out of it, of the question of negro emancipation in the Southern States.

The second step in this path of evil consisted of acts of the people of the Northern States, and in several instances of their governments, aimed to facilitate the escape of persons held to service in the Southern States, and to prevent their extradition when reclaimed according to law and in virtue of express provisions of the Constitution. To promote this object legislative enactments and other means were adopted to take away or defeat rights which the Constitution solemnly guaranteed. In order to nullify the then existing Act of Congress concerning the extradition of fugitives from service, laws were enacted in many States forbidding their officers, under the severest penalties, to participate in the execution of any Act of Congress whatever. In this way that system of harmonious co-operation between the authorities of the United States and of the several States, for the maintenance of their common institutions, which existed in the early years of the Republic, was destroyed ; conflicts of jurisdiction came to be frequent, and Congress found itself compelled for the support of the Constitution and the vindication of its power to authorize the appointment of new officers charged with the execution of its acts, as if they and the officers of the States were the ministers, respectively, of foreign governments in a state of mutual hostility, rather than fellow-magistrates of a common country, peacefully subsisting under the protection of one well-constituted Union. Thus here, also, aggression was followed by reaction ; and the attacks upon the Constitution at this point did but serve to raise up new barriers for its defense and security.

The third stage of this unhappy sectional controversy was in connection with the organization of Territorial governments, and the admission of new States into the Union. When it was proposed to admit the State of Maine, by separation of territory from that of Massachusetts, and the State of Missouri, formed of a portion of the territory ceded by France to the United

States, Representatives in Congress objected to the admission of the latter, unless with conditions suited to particular views of public policy. The imposition of such a condition was successfully resisted. But, at the same period, the question was presented of imposing restrictions upon the residue of the territory ceded by France. That question was, for the time, disposed of by the adoption of a geographical line of limitation.

In this connection it should not be forgotten that when France, of her own accord, resolved, for considerations of the most far-sighted sagacity, to cede Louisiana to the United States, and that accession was accepted by the United States, the latter expressly engaged that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess"—that is to say, while it remains in a Territorial condition, its inhabitants are maintained and protected in the free enjoyment of their liberty and property, with a right then to pass into the condition of States on a footing of perfect equality with the original States.

The enactment, which established the restrictive geographical line, was acquiesced in rather than approved by the States of the Union. It stood on the statute-book, however, for a number of years; and the people of the respective States acquiesced in the re-enactment of the principle as applied to the State of Texas; and it was proposed to acquiesce in its further application to the territory acquired by the United States from Mexico. But this proposition was successfully resisted by the Representatives from the Northern States, who, regardless of the statute-line, insisted upon applying restriction to the new territory generally, whether lying north or south of it, thereby repealing it as a legislative compromise, and, on the part of the North, persistently violating the compact, if compact there was.

Thereupon this enactment ceased to have binding virtue in any sense, whether as respects the North or the South; and so in effect it was treated on the occasion of the admission of the

State of California, and the organization of the Territories of New Mexico, Utah, and Washington.

Such was the state of this question, when the time arrived for the organization of the Territories of Kansas and Nebraska. In the progress of Constitutional inquiry and reflection, it had now at length come to be seen clearly that Congress does not possess Constitutional power to impose restrictions of this character upon any present or future State of the Union. In a long series of decisions, on the fullest argument, and after the most deliberate consideration, the Supreme Court of the United States had finally determined this point, in every form under which the question could arise, whether as affecting public or private rights—in questions of the public domain, of religion, of navigation, and of servitude.

The several States of the Union are, by force of the Constitution, co-equal in domestic legislative power. Congress can not change a law of domestic relation in the State of Maine; no more can it in the State of Missouri. Any statute which proposes to do this is a mere nullity; it takes away no right, it confers none. If it remains on the statute-book unrepealed, it remains there only as a monument of error, and a beacon of warning to the legislator and the statesman. To repeal it will be only to remove imperfection from the statutes, without affecting, either in the sense of permission or of prohibition, the action of the States, or of their citizens.

Still, when the nominal restriction of this nature, already a dead-letter in law, was in terms repealed by the last Congress, in a clause of the act organizing the Territories of Kansas and Nebraska, that repeal was made the occasion of a wide-spread and dangerous agitation.

It was alleged that the original enactment being a compact of perpetual moral obligation, its repeal constituted an odious breach of faith.

An act of Congress, while it remains unrepealed, more especially if it be Constitutionally valid in the judgment of those public functionaries whose duty it is to pronounce on that point, is undoubtedly binding on the conscience of each good citizen of the Republic. But in what sense can it be asserted that the enactment in question was invested with perpetuity and entitled

to the respect of a solemn compact? Between whom was the compact? No distinct contending powers of the Government, no separate sections of the Union, treating as such, entered into treaty stipulations on the subject. It was a mere clause of an act of Congress, and like any other controverted matter of legislation, received its final shape and was passed by compromise of the conflicting opinions or sentiments of the members of Congress. But if it had moral authority over men's consciences, to whom did this authority attach? Not to those of the North, who had repeatedly refused to confirm it by extension, and who had zealously striven to establish other and incompatible regulations upon the subject. And if, as it thus appears, the supposed compact had no obligatory force as to the North, of course it could not have had any as to the South, for all such compacts must be mutual and of reciprocal obligation.

It has not unfrequently happened that law-givers, with undue estimation of the value of the law they give, or in the view of imparting to it peculiar strength, make it perpetual in terms; but they can not thus bind the conscience, the judgment, and the will of those who may succeed them, invested with similar responsibilities, and clothed with equal authority. More careful investigation may prove the law to be unsound in principle. Experience may show it to be imperfect in detail and impracticable in execution. And then both reason and right combine not merely to justify, but to require its repeal.

The Constitution, supreme as it is over all the departments of the Government, legislative, executive, and judicial, is open to amendment by its very terms; and Congress or the States may, in their discretion, propose amendment to it, solemn compact though it in truth is between the sovereign States of the Union. In the present instance, a political enactment, which had ceased to have legal power or authority of any kind, was repealed. The position assumed, that Congress had no moral right to enact such repeal, was strange enough, and singularly so in view of the fact that the argument came from those who openly refused obedience to existing laws of the land, having the same popular designation and quality as compromise acts—nay, more, who unequivocally disregarded and condemned the most positive and obligatory injunctions of the Constitution

itself, and sought, by every means within their reach, to deprive a portion of their fellow-citizens of the equal enjoyment of those rights and privileges guaranteed alike to all by the fundamental compact of our Union.

This argument against the repeal of the statute-line in question was accompanied by another of congenial character, and equally with the former destitute of foundation in reason and truth. It was imputed that the measure originated in the conception of extending the limits of slave-labor beyond those previously assigned to it, and that such was its natural as well as intended effect; and these baseless assumptions were made, in the Northern States, the ground of unceasing assault upon Constitutional right.

The repeal in terms of a statute which was already obsolete, and also null for unconstitutionality, could have no influence to obstruct or to promote the propagation of conflicting views of political or social institution. When the act organizing the Territories of Kansas and Nebraska was passed, the inherent effect upon that portion of the public domain thus opened to legal settlement, was to admit settlers from all the States of the Union alike, each with his convictions of public policy and private interest, there to found in their discretion, subject to such limitations as the Constitution and acts of Congress might prescribe, new States, hereafter to be admitted into the Union. It was a free field, open alike to all, whether the statute-line of assumed restriction were repealed or not. That repeal did not open to free competition of the diverse opinions and domestic institutions a field, which, without such repeal, would have been closed against them; it found that field of competition already opened, in fact and in law. All the repeal did was to relieve the statute-book of an objectionable enactment, unconstitutional in effect, and injurious in terms to a large portion of the States.

Is it the fact that, in all the unsettled regions of the United States, if emigration be left free to act in this respect for itself, without legal prohibitions on either side, slave-labor will spontaneously go everywhere, in preference to free labor? Is it the fact that the peculiar domestic institutions of the Southern States possess relatively so much of vigor, that, wheresoever an

avenue is freely open to all the world, they will penetrate to the exclusion of those of the Northern States? Is it the fact that the former enjoy, compared with the latter, such irresistibly superior vitality, independent of climate, soil, and all other accidental circumstances, as to be able to produce the supposed result, in spite of the assumed moral and natural obstacles to its accomplishment, and of the more numerous population of the Northern States?

The argument of those who advocate the enactment of new laws of restriction, and condemn the repeal of old ones, in effect avers that their particular views of government have no self-extending or self-sustaining power of their own, and will go nowhere unless forced by act of Congress. And if Congress do but pause for a moment in the policy of stern coercion; if it venture to try the experiment of leaving men to judge for themselves what institutions will best suit them; if it be not trained up to perpetual legislative exertion on this point; if Congress proceed thus to act in the very spirit of liberty, it is at once charged with aiming to extend slave-labor into all the new Territories of the United States.

Of course these imputations on the intentions of Congress in this respect, conceived as they were in prejudice, and disseminated in passion, are utterly destitute of any justification in the nature of things, and contrary to all the fundamental doctrines and principles of civil liberty and self-government.

While, therefore, in general, the people of the Northern States have never, at any time, arrogated for the Federal Government the power to interfere directly with the domestic condition of persons in the Southern States, but, on the contrary, have disavowed all such intentions, and have shrunk from conspicuous affiliation with those few who pursue their fanatical objects avowedly through the contemplated means of revolutionary change of the Government, and with acceptance of the necessary consequences—a civil and servile war—yet many citizens have suffered themselves to be drawn into one evanescent political issue of agitation after another, appertaining to the same set of opinions, and which subsided as rapidly as they arose when it came to be seen, as it uniformly did, that they were incompatible with the compacts of the Constitution and

the existence of the Union. Thus, when the acts of some of the States to nullify the existing extradition law imposed upon Congress the duty of passing a new one, the country was invited by agitators to enter into party organization for its repeal; but that agitation speedily ceased by reason of the impracticability of its object. So, when the statute restriction upon the institutions of new States, by a geographical line, had been repealed, the country was urged to demand its restoration, and that project also died almost with its birth. Then followed the cry of alarm from the North against imputed Southern encroachments; which cry sprang in reality from the spirit of revolutionary attack on the domestic institutions of the South, and, after a troubled existence of a few months, has been rebuked by the voice of a patriotic people.

Of this last agitation, one lamentable feature was, that it was carried on at the immediate expense of the peace and happiness of the people of the Territory of Kansas. That was made the battle-field, not so much of opposing factions or interests within itself, as of the conflicting passions of the whole people of the United States. Revolutionary disorder in Kansas had its origin in projects of intervention, deliberately arranged by certain members of that Congress, which enacted the law for the organization of the Territory. And when propagandist colonization of Kansas had thus been undertaken in one section of the Union, for the systematic promotion of its peculiar views of policy, there ensued, as a matter of course, a counter-action with opposite views, in other sections of the Union.

In consequence of these and other incidents, many acts of disorder, it is undeniable, have been perpetrated in Kansas, to the occasional interruption, rather than the permanent suspension, of regular government. Aggressive and most reprehensible incursions into the Territory were undertaken, both in the North and the South, and entered it on its northern border by the way of Iowa, as well as on the eastern by way of Missouri; and there has existed within it a state of insurrection against the constituted authorities, not without countenance from inconsiderate persons in each of the great sections of the Union. But the difficulties in that Territory have been extravagantly exaggerated for purposes of political agitation elsewhere. The

number and gravity of the acts of violence have been magnified partly by statements entirely untrue, and partly by reiterated accounts of the same rumors or facts. Thus the Territory has been seemingly filled with extreme violence, when the whole amount of such acts has not been greater than what occasionally passes before us in single cities to the regret of all good citizens, but without being regarded as of general or permanent political consequence.

Imputed irregularities in the elections had in Kansas, like occasional irregularities of the same description in the States, were beyond the sphere of action of the Executive. But incidents of actual violence or of organized obstruction of law, pertinaciously renewed from time to time, have been met as they occurred, by such means as were available and as the circumstances required ; and nothing of this character now remains to affect the general peace of the Union. The attempt of a part of the inhabitants of the Territory to erect a revolutionary government, though sedulously encouraged and supplied with pecuniary aid from active agents of disorder in some of the States, has completely failed. Bodies of armed men, foreign to the Territory, have been prevented from entering or compelled to leave it. Predatory bands, engaged in acts of rapine, under cover of the existing political disturbances, have been arrested or dispersed. And every well disposed person is now enabled once more to devote himself in peace to the pursuits of prosperous industry, for the prosecution of which he undertook to participate in the settlement of the Territory.

It affords me unmixed satisfaction thus to announce the peaceful condition of things in Kansas, especially considering the means to which it was necessary to have recourse for the attainment of the end; namely, the employment of a part of the military force of the United States. The withdrawal of that force from its proper duty of defending the country against foreign foes or the savages of the frontier, to employ it for the suppression of domestic insurrection, is, when the exigency occurs, a matter of the most earnest solicitude. On this occasion of imperative necessity it has been done with the best results, and my satisfaction in the attainment of such results by such means is greatly enhanced by the consideration that, through

the wisdom and energy of the present Executive of Kansas, and the prudence, firmness, and vigilance of the military officers on duty there, tranquillity has been restored without one drop of blood having been shed in its accomplishment by the forces of the United States.

The restoration of comparative tranquillity in that Territory furnishes the means of observing calmly, and appreciating at their just value, the events which have occurred there, and the discussions of which the government of the Territory has been the subject.

We perceive that controversy concerning its future domestic institutions was inevitable; that no human prudence, no form of legislation, no wisdom on the part of Congress, could have prevented this.

It is idle to suppose that the particular provisions of their organic law were the cause of agitation. Those provisions were but the occasion, or the pretext of an agitation, which was inherent in the nature of things. Congress legislated upon the subject in such terms as were most consonant with the principle of popular sovereignty which underlies our Government. It could not have legislated otherwise without doing violence to another great principle of our institutions, the imprescriptible right of equality of the several States.

We perceive, also, that sectional interests and party passions, have been the great impediment to the salutary operation of the organic principles adopted, and the chief cause of the successive disturbances in Kansas. The assumption that, because in the organization of the Territories of Nebraska and Kansas, Congress abstained from imposing restraints upon them to which certain other Territories had been subject, therefore disorders occurred in the latter Territory, is emphatically contradicted by the fact that none have occurred in the former. Those disorders were not the consequence, in Kausas, of the freedom of self-government conceded to that Territory by Congress, but of unjust interference on the part of persons not inhabitants of the Territory. Such interference, wherever it has exhibited itself, by acts of insurrectionary character, or of obstruction to process of law, has been repelled or suppressed, by all the means which the Constitution and the laws place in the hands of the Executive.

In those parts of the United States where, by reason of the inflamed state of the public mind, false rumors and misrepresentations have the greatest currency, it has been assumed that it was the duty of the Executive not only to suppress insurrectionary movements in Kansas, but also to see to the regularity of local elections. It needs little argument to show that the President has no such power. All government in the United States rests substantially upon popular election. The freedom of elections is liable to be impaired by the intrusion of unlawful votes, or the exclusion of lawful ones, by improper influences, by violence or by fraud. But the people of the United States are themselves the all-sufficient guardians of their own rights, and to suppose that they will not remedy, in due season, any such incidents of civil freedom, is to suppose them to have ceased to be capable of self-government. The President of the United States has not power to interpose in elections, to see to their freedom, to canvass their votes, or to pass upon their legality in the Territories any more than in the States. If he had such power the government might be republican in form, but it would be a monarchy in fact; and if he had undertaken to exercise it in the case of Kansas, he would have been justly subject to the charge of usurpation, and of violation of the dearest rights of the people of the United States.

Unwise laws, equally with irregularities at elections, are, in periods of great excitement, the occasional incidents of even the freest and best political institutions. But all experience demonstrates that in a country like ours, where the right of self-constitution exists in the completest form, the attempt to remedy unwise legislation by resort to revolution, is totally out of place; inasmuch as existing legal institutions afford more prompt and efficacious means for the redress of wrong.

I confidently trust that now, when the peaceful condition of Kansas affords opportunity for calm reflection and wise legislation, either the Legislative Assembly of the Territory or Congress will see that no act shall remain on its statute-book violative of the provisions of the Constitution, or subversive of the great objects for which that was ordained and established, and will take all other necessary steps to assure to its inhabitants the enjoyment, without obstruction or abridgment, of all

the Constitutional rights, privileges, and immunities of citizens of the United States, as contemplated by the organic law of the Territory. Full information in relation to recent events in this Territory will be found in the documents communicated herewith from the Departments of State and War.

I refer you to the report of the Secretary of the Treasury for particular information concerning the financial condition of the Government, and the various branches of the public service connected with the Treasury Department.

During the last fiscal year the receipts from customs were, for the first time, more than sixty-four million dollars, and from all sources, seventy-three million nine hundred and eighteen thousand one hundred and forty-one dollars; which, with the balance on hand up to the 1st of July, 1855, made the total resources of the year amount to ninety-two million eight hundred and fifty thousand one hundred and seventeen dollars. The expenditures, including three million dollars in execution of the treaty with Mexico, and excluding sums paid on account of the public debt, amounted to sixty million one hundred and seventy-two thousand four hundred and one dollars; and, including the latter, to seventy-two million nine hundred and forty-eight thousand seven hundred and ninety-two dollars, the payment on this account having amounted to twelve million seven hundred and seventy-six thousand three hundred and ninety dollars.

On the 4th of March, 1853, the amount of the public debt was sixty-nine million one hundred and twenty-nine thousand nine hundred and thirty-seven dollars. There was a subsequent increase of two million seven hundred and fifty thousand dollars for the debt of Texas, making a total of seventy-one million eight hundred and seventy-nine thousand nine hundred and thirty-seven dollars. Of this, the sum of forty-five million five hundred and twenty-five thousand three hundred and nineteen dollars, including premium, has been discharged, reducing the debt to thirty million nine hundred and sixty-three thousand nine hundred and nine dollars; all which might be paid within a year without embarrassing the public service, but being not yet due, and only redeemable at the option of the holder, can not be pressed to payment by the Government.

On examining the expenditures of the last five years, it will be seen that the average, deducting payments on account of the public debt, and ten million dollars paid by treaty to Mexico, has been but about forty-eight million dollars. It is believed that, under an economical administration of the Government, the average expenditure for the ensuing five years will not exceed that sum, unless extraordinary occasion for its increase should occur. The acts granting bounty lands will soon have been executed, while the extension of our frontier settlements will cause a continued demand for lands and augmented receipts, probably, from that source. These considerations will justify a reduction of the revenue from customs, so as not to exceed forty-eight or fifty million dollars. I think the exigency for such reduction is imperative, and again urge it upon the consideration of Congress.

The amount of reduction, as well as the manner of effecting it, are questions of great and general interest; it being essential to industrial enterprise and the public prosperity, as well as the dictate of obvious justice, that the burden of taxation be made to rest as equally as possible upon all classes, and all sections and interests of the country.

I have heretofore recommended to your consideration the revision of the revenue laws, prepared under the direction of the Secretary of the Treasury, and also legislation upon some special questions affecting the business of that Department, more especially the enactment of a law to punish the abstraction of official books or papers from the files of the Government, and requiring all such books and papers and all other public property to be turned over by the outgoing officer to his successor; of a law requiring disbursing officers to deposit all public money in the vaults of the Treasury or in other legal depositories, where the same are conveniently accessible; and a law to extend existing penal provisions to all persons who may become possessed of public money by deposit or otherwise, and who shall refuse or neglect, on due demand, to pay the same into the Treasury. I invite your attention anew to each of these objects.

The army during the past year has been so constantly employed against hostile Indians in various quarters, that it can

scarcely be said, with propriety of language, to have been a peace establishment. Its duties have been satisfactorily performed, and we have reason to expect, as a result of the year's operations, greater security to the frontier inhabitants than has been hitherto enjoyed. Extensive combinations among the hostile Indians of the Territories of Washington and Oregon at one time threatened the devastation of the newly formed settlements of that remote portion of the country. From recent information, we are permitted to hope that the energetic and successful operations conducted there will prevent such combinations in future, and secure to those Territories an opportunity to make steady progress in the development of their agricultural and mineral resources.

Legislation has been recommended by me on previous occasions to cure defects in the existing organization, and to increase the efficiency of the army, and further observation has but served to confirm me in the views then expressed, and to enforce on my mind the conviction that such measures are not only proper but necessary.

I have, in addition, to invite the attention of Congress to a change of policy in the distribution of troops, and to the necessity of providing a more rapid increase of the military armament. For details of these and other subjects relating to the army, I refer to the report of the Secretary of War.

The condition of the navy is not merely satisfactory, but exhibits the most gratifying evidences of increased vigor. As it is comparatively small, it is more important that it should be as complete as possible in all the elements of strength; that it should be efficient in the character of its officers, in the zeal and discipline of its men, in the reliability of its ordnance, and in the capacity of its ships. In all these various qualities the navy has made great progress within the last few years. The execution of the law of Congress, of February 28, 1855, "to promote the efficiency of the navy," has been attended by the most advantageous results. The law for promoting discipline among the men is found convenient and salutary. The system of granting an honorable discharge to faithful seamen on the expiration of the period of their enlistment, and permitting them to re-enlist after a leave of absence of a few months,

without cessation of pay, is highly beneficial in its influence. The apprentice system recently adopted is evidently destined to incorporate into the service a large number of our countrymen hitherto so difficult to procure. Several hundred American boys are now on a three years' cruise in our national vessels, and will return well-trained seamen. In the ordnance department there is a decided and gratifying indication of progress creditable to it and to the country. The suggestions of the Secretary of the Navy, in regard to further improvement in that branch of the service, I commend to your favorable action.

The new frigates ordered by Congress are now afloat, and two of them in active service. They are superior models of naval architecture, and with their formidable battery add largely to public strength and security.

I concur in the views expressed by the Secretary of the Department in favor of a still further increase of our naval force.

The report of the Secretary of the Interior presents facts and views in relation to internal affairs over which the supervision of his Department extends, of much interest and importance.

The aggregate sales of the public lands, during the last fiscal year, amount to nine million two hundred and twenty-seven thousand eight hundred and seventy-eight acres; for which has been received the sum of eight million eight hundred and twenty-one thousand four hundred and fourteen dollars. During the same period there have been located, with military scrip and land-warrants, and for other purposes, thirty million one hundred thousand two hundred and thirty acres, thus making a total aggregate of thirty-nine million three hundred and twenty-eight thousand one hundred and eight acres. On the 30th of September last, surveys had been made of sixteen million eight hundred and seventy-three thousand six hundred and ninety-nine acres, a large proportion of which is ready for market.

The suggestions in this report in regard to the complication and progressive expansion of the business of the different bureaus of the Department; to the pension system; to the colonization of Indian tribes, and the recommendations in relation to various improvements in the District of Columbia, are especially commended to your consideration.

The report of the Postmaster-General presents fully the

condition of that Department of the Government. Its expenditures for the last fiscal year were ten million four hundred and seven thousand eight hundred and sixty-eight dollars, and its gross receipts seven million six hundred and twenty thousand eight hundred and one dollars, making an excess of expenditures over receipts of two million seven hundred and eighty-seven thousand and forty-six dollars. The deficiency of this Department is thus seven hundred and forty-four thousand dollars greater than for the year ending June 30, 1853. Of this deficiency, three hundred and thirty thousand dollars is to be attributed to the additional compensation allowed postmasters by the act of Congress of June 22, 1854. The mail facilities in every part of the country have been very much increased in that period, and the large addition of railroad service, amounting to seven thousand nine hundred and eight miles, has added largely to the cost of transportation.

The inconsiderable augmentation of the income of the Post-office Department under the reduced rates of postage, and its increasing expenditures, must, for the present, make it dependent to some extent upon the treasury for support. The recommendations of the Postmaster-General in relation to the abolition of the franking privilege, and his views on the establishment of mail steamship lines, deserve the consideration of Congress. I also call the special attention of Congress to the statement of the Postmaster-General respecting the sums now paid for the transportation of mails to the Panama Railroad Company, and commend to their early and favorable consideration the suggestions of that officer in relation to new contracts for mail transportation upon that route, and also upon the Tehuantepec and Nicaragua routes.

The United States continue in the enjoyment of amicable relations with all foreign powers.

When my last annual message was transmitted to Congress, two subjects of controversy, one relating to the enlistment of soldiers in this country for foreign service, and the other to Central America, threatened to disturb good understanding between the United States and Great Britain. Of the progress and termination of the former question you were informed at the time; and the other is now in the way of satisfactory adjustment.

The object of the convention between the United States and Great Britain of the 19th of April, 1850, was to secure for the benefit of all nations the neutrality and the common use of any transit way, or interoceanic communication, across the Isthmus of Panama, which might be opened within the limits of Central America. The pretension subsequently asserted by Great Britain to dominion or control over territories in or near two of the routes, those of Nicaragua and Honduras, were deemed by the United States, not merely incompatible with the main object of the treaty, but opposed even to its express stipulations. Occasion of controversy on this point has been removed by an additional treaty, which our Minister at London has concluded, and which will be immediately submitted to the Senate for its consideration. Should the proposed supplemental arrangement be concurred in by all the parties to be affected by it, the objects contemplated by the original convention will have been fully attained.

The treaty between the United States and Great Britain, of the 5th of June, 1854, which went into effective operation in 1855, put an end to causes of irritation between the two countries, by securing to the United States the right of fishery on the coast of the British North American provinces, with advantages equal to those enjoyed by British subjects. Besides the signal benefits of this treaty to a large class of our citizens engaged in a pursuit connected to no inconsiderable degree with our national prosperity and strength, it has had a favorable effect upon other interests in the provision it made for reciprocal freedom of trade between the United States and the British provinces in America.

The exports of domestic articles to those provinces during the last year amounted to more than twenty-two million dollars, exceeding those of the preceding year by nearly seven million dollars; and the imports therefrom, during the same period, amounted to more than twenty-one million, an increase of six million upon those of the previous year.

The improved condition of this branch of our commerce is mainly attributable to the above-mentioned treaty.

Provision was made in the first article of that treaty for a commission to designate the mouths of rivers to which the com-

mon right of fishery on the coast of the United States and the British provinces was not to extend. This commission has been employed a part of two seasons, but without much progress in accomplishing the object for which it was instituted, in consequence of a serious difference of opinion between the commissioners, not only as to the precise point where the rivers terminate, but in many instances as to what constitutes a river. These difficulties, however, may be overcome by resort to the umpirage provided for by the treaty.

The efforts perseveringly prosecuted since the commencement of my administration, to relieve our trade to the Baltic from the exaction of sound dues by Denmark, have not yet been attended with success. Other governments have also sought to obtain a like relief to their commerce, and Denmark was thus induced to propose an arrangement to all the European powers interested in the subject; and the manner in which her proposition was received, warranting her to believe that a satisfactory arrangement with them could soon be concluded, she made a strong appeal to this Government for temporary suspension of definite action on its part, in consideration of the embarrassment which might result to her European negotiations by an immediate adjustment of the question with the United States. This request has been acceded to, upon the condition that the sums collected after the 16th of June last, and until the 16th of June next, from vessels and cargoes belonging to our merchants, are to be considered as paid under protest and subject to future adjustment. There is reason to believe that an arrangement between Denmark and the maritime powers of Europe on the subject will be soon concluded, and that the pending negotiation with the United States may then be resumed and terminated in a satisfactory manner.

With Spain no new difficulties have arisen, nor has much progress been made in the adjustment of pending ones.

Negotiations entered into for the purpose of relieving our commercial intercourse with the island of Cuba of some of its burdens, and providing for the more speedy settlement of local disputes growing out of that intercourse, have not yet been attended with any results.

Soon after the commencement of the late war in Europe,

this Government submitted to the consideration of all maritime nations two principles for the security of neutral commerce: one, that the neutral flag should cover enemies' goods, except articles contraband of war; and the other, that neutral property on board merchant vessels of belligerents should be exempt from condemnation, with the exception of contraband articles. These were not presented as new rules of international law; having been generally claimed by neutrals, though not always admitted by belligerents. One of the parties to the war—Russia—as well as several neutral powers, promptly acceded to these propositions; and the two other principal belligerents, Great Britain and France, having consented to observe them for the present occasion, a favorable opportunity seemed to be presented for obtaining a general recognition of them, both in Europe and America.

But Great Britain and France, in common with most of the States of Europe, while forbearing to reject, did not affirmatively act upon the overtures of the United States.

While the question was in this position, the representatives of Russia, France, Great Britain, Austria, Prussia, Sardinia, and Turkey, assembled at Paris, took into consideration the subject of maritime rights, and put forth a declaration containing the two principles which this Government had submitted, nearly two years before, to the consideration of maritime powers, and adding thereto the following propositions: "Privateering is and remains abolished," and "Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy;" and to the declaration thus composed of four points, two of which had already been proposed by the United States, this Government has been invited to accede by all the powers represented at Paris, except Great Britain and Turkey. To the last of the two additional propositions—that in relation to blockades—there can certainly be no objection. It is merely the definition of what shall constitute the effectual investment of a blockaded place, a definition for which this Government has always contended, claiming indemnity for losses where a practical violation of the rule thus defined has been injurious to our commerce. As to the remaining article of the declaration of the Conference of

Paris, "that privateering is and remains abolished," I certainly can not ascribe to the powers represented in the Conference of Paris any but liberal and philanthropic views in the attempt to change the unquestionable rule of maritime law in regard to privateering. Their proposition was doubtless intended to imply approval of the principle that private property upon the ocean, although it might belong to the citizens of a belligerent State should be exempted from capture; and had that proposition been so framed as to give full effect to the principle, it would have received my ready assent on behalf of the United States. But the measure proposed is inadequate to that purpose. It is true that if adopted, private property upon the ocean would be withdrawn from one mode of plunder, but left exposed, meanwhile, to another mode, which could be used with increased effectiveness. The aggressive capacity of great naval powers would be thereby augmented, while the defensive ability of others would be reduced. Though the surrender of the means of prosecuting hostilities by employing privateers, as proposed by the Conference of Paris, is mutual in terms, yet in practical effect it would be the relinquishment of a right of little value to one class of States, but of essential importance to another and a far larger class. It ought not to have been anticipated that a measure, so inadequate to the accomplishment of the proposed object, and so unequal in its operation, would receive the assent of all maritime powers. Private property would be still left to the depredations of the public armed cruisers.

I have expressed a readiness on the part of this Government to accede to all the principles contained in the declaration of the Conference of Paris, provided that the one relating to the abandonment of privateering can be so amended as to effect the object for which, as is presumed, it was intended, the immunity of private property on the ocean from hostile capture. To effect this object, it is proposed to add to the declaration that "privateering is and remains abolished," the following amendment: "And that the private property of subjects and citizens of a belligerent on the high seas shall be exempt from seizure by the public armed vessels of the other belligerent, except it be contraband." This amendment has been presented not only to the powers which have asked our assent to the declaration to abolish

privateering, but to all other maritime States. Thus far it has not been rejected by any, and is favorably entertained by all which have made any communication in reply.

Several of the governments, regarding with favor the proposition of the United States, have delayed definitive action upon it, only for the purpose of consulting with others, parties to the Conference of Paris. I have the satisfaction of stating, however, that the Emperor of Russia has entirely and explicitly approved of that modification, and will co-operate in endeavoring to obtain the assent of other powers; and that assurances of a similar purport have been received in relation to the disposition of the Emperor of the French.

The present aspect of this important subject allows us to cherish the hope that a principle so humane in its character, so just and equal in its operation, so essential to the prosperity of commercial nations, and so consonant to the sentiments of this enlightened period of the world, will command the approbation of all maritime powers, and thus be incorporated into the code of international law.

My views on the subject are more fully set forth in the reply of the Secretary of State, a copy of which is herewith transmitted, to the communications on the subject made to this Government, especially to the communication of France.

The Government of the United States has at all times regarded with friendly interest the other States of America, formerly, like this country, European Colonies, and now independent members of the great family of nations. But the unsettled condition of some of them, distracted by frequent revolutions, and thus incapable of regular and firm internal administration, has tended to embarrass occasionally our public intercourse, by reason of wrongs which our citizens suffer at their hands, and which they are slow to redress.

Unfortunately it is against the Republic of Mexico, with which it is our special desire to maintain a good understanding, that such complaints are most numerous; and, although earnestly urged upon its attention, they have not as yet received the consideration which this Government had a right to expect. While reparation for past injuries has been withheld, others have been added. The political condition of that country,

however, has been such as to demand forbearance on the part of the United States. I shall continue my efforts to procure for the wrongs of our citizens that redress which is indispensable to the continued friendly association of the two Republics.

The peculiar condition of affairs in Nicaragua in the early part of the present year, rendered it important that this Government should have diplomatic relations with that State. Through its territory had been opened one of the principal thoroughfares across the isthmus connecting North and South America, on which a vast amount of property was transported, and to which our citizens resorted in great numbers, in passing between the Atlantic and Pacific coasts of the United States. The protection of both required that the existing power in that State should be regarded as a responsible government; and its Minister was accordingly received. But he remained here only a short time. Soon thereafter the political affairs of Nicaragua underwent unfavorable change, and became involved in much uncertainty and confusion. Diplomatic representatives from two contending parties have been recently sent to this Government; but, with the imperfect information possessed, it was not possible to decide which was the government *de facto*; and, awaiting further developments, I have refused to receive either.

Questions of the most serious nature are pending between the United States and the Republic of New Granada. The government of that Republic undertook, a year since, to impose tonnage duties on foreign vessels in her ports, but the purpose was resisted by this Government, as being contrary to existing treaty stipulation with the United States, and to rights conferred by charter upon the Panama Railroad Company, and was accordingly relinquished at that time, it being admitted that our vessels were entitled to be exempt from tonnage duty in the free ports of Panama and Aspinwall. But the purpose has been recently revived, on the part of New Granada, by the enactment of a law to subject vessels visiting her ports to the tonnage duty of forty cents per ton; and, although the law has not been put in force, yet the right to enforce it is still asserted, and may, at any time, be acted on by the government of that Republic.

The Congress of New Granada has also enacted a law,

during the last year, which levies a tax of more than three dollars on every pound of mail matter transported across the isthmus. The sum thus required to be paid on the mails of the United States would be nearly two million dollars annually, in addition to the large sum payable by contract to the Panama Railroad Company. If the only objection to this exaction were the exorbitancy of its amount, it could not be submitted to by the United States.

The imposition of it, however, would obviously contravene our treaty with New Granada, and infringe the contract of that Republic with the Panama Railroad Company. The law providing for this tax was, by its terms, to take effect on the 1st of September last, but the local authorities on the isthmus have been induced to suspend its execution, and to await further instructions on the subject from the government of the Republic. I am not yet advised of the determination of that government. If a measure so extraordinary in its character, and so clearly contrary to treaty stipulations, and the contract rights of the Panama Railroad Company, composed mostly of American citizens, should be persisted in, it will be the duty of the United States to resist its execution.

I regret exceedingly that occasion exists to invite your attention to a subject of still graver import in our relations with the Republic of New Granada. On the 15th day of April last, a riotous assemblage of the inhabitants of Panama committed a violent and outrageous attack on the premises of the railroad company, and the passengers and other persons in or near the same, involving the death of several citizens of the United States, the pillage of many others, and the destruction of a large amount of property belonging to the railroad company. I caused full investigation of that event to be made, and the result shows satisfactorily that complete responsibility for what occurred attaches to the government of New Granada. I have, therefore, demanded of that government that the perpetrators of the wrongs in question should be punished; that provision should be made for the families of citizens of the United States who were killed, with full indemnity for the property pillaged or destroyed.

The present condition of the Isthmus of Panama, in so far

as regards the security of persons and property passing over it, requires serious consideration. Recent incidents tend to show that the local authorities can not be relied on to maintain the public peace of Panama, and there is just ground for apprehension that a portion of the inhabitants are meditating further outrages, without adequate measures for the security and protection of persons or property having been taken, either by the State of Panama, or by the general government of New Granada.

Under the guarantees of treaty, citizens of the United States have, by the outlay of several million dollars, constructed a railroad across the isthmus, and it has become the main route between our Atlantic and Pacific possessions, over which multitudes of our citizens and a vast amount of property are constantly passing; to the security and protection of all which, and the continuance of the public advantages involved, it is impossible for the Government of the United States to be indifferent.

I have deemed the danger of the recurrence of scenes of lawless violence in this quarter so imminent as to make it my duty to station a part of our naval force in the harbors of Panama and Aspinwall, in order to protect the persons and property of the citizens of the United States in those ports, and to insure to them safe passage across the isthmus. And it would, in my judgment, be unwise to withdraw the naval force now in those ports, until, by the spontaneous action of the Republic of New Granada, or otherwise, some adequate arrangement shall have been made for the protection and security of a line of inter-oceanic communication so important at this time, not to the United States only, but to all other maritime States, both of Europe and America.

Meanwhile, negotiations have been instituted by means of a special commission, to obtain from New Granada full indemnity for injuries sustained by our citizens on the isthmus, and satisfactory security for the general interests of the United States.

In addressing to you my last annual message, the occasion seems to me an appropriate one to express my congratulations in view of the peace, greatness, and felicity which the United States now possess and enjoy. To point you to the state of the

various departments of the Government, and of all the great branches of the public service, civil and military, in order to speak of the intelligence and the integrity which pervades the whole, would be to indicate but imperfectly the Administrative condition of the country, and the beneficial effects of that on the general welfare. Nor would it suffice to say that the Nation is actually at peace at home and abroad; that its industrial interests are prosperous; that the canvas of its mariners whitens every sea, and the plow of its husbandmen is marching steadily onward to the bloodless conquest of the continent; that cities and populous States are springing up, as if by enchantment, from the bosom of our western wilds, and that the courageous energy of our people is making of these United States the great Republic of the world. These results have not been attained without passing through trials and perils, by experience of which, and thus only, nations can harden unto manhood. Our forefathers were trained to the wisdom which conceived, and the courage which achieved independence, by the circumstances which surrounded them, and they were thus made capable of the creation of the Republic. It devolved on the next generation to consolidate the work of the Revolution, to deliver the country entirely from the influences of conflicting transatlantic partialities or antipathies, which attached to our Colonial and Revolutionary history, and to organize the practical operation of the Constitutional and legal institutions of the Union. To us, of this generation, remains the not less noble task of maintaining and extending the national power. We have at length reached that stage of our country's career in which the dangers to be encountered, and the exertions to be made, are the incidents, not of weakness, but of strength. In foreign relations we have to temper our power to the less happy condition of other Republics in America, and to place ourselves in the calmness and conscious dignity of right by the side of the greatest and wealthiest of the empires of Europe. In domestic relations, we have to guard against the shock of the discontents, the ambitions, the interests, and the exuberant, and therefore sometimes irregular, impulses of opinion, or of action, which are the natural product of the present political elevation, the self-reliance, and the restless spirit of enterprise of the people of the United States.

I shall prepare to surrender the Executive trust to my successor, and retire to private life, with sentiments of profound gratitude to the good Providence, which, during the period of my Administration, has vouchsafed to carry the country through many difficulties, domestic and foreign, and which enables me to contemplate the spectacle of amicable and respectful relations between ours and all other governments, and the establishment of Constitutional order and tranquillity throughout the Union.

This message is mainly remarkable for its unwise and violent attack upon the Northern people, or a very large portion of them at least. The first half of the message, which is wholly devoted to this assault, has in it no trace of the statesman or the President, but is characterized at every point by the evasion, sophistry, if not also misrepresentation, of the mere politician; at the same time exhibiting an irritation and personal feeling which should certainly never be displayed by the President of the United States, and especially in an official paper. In this respect this message falls below any other general Executive document of the Government. Nor is it possible to find for it an adequate apology, even though it be assumed that the foundations of the argument and defense made by the President were indubitably established.

“While performing his Constitutional duty in this respect, the President does not speak merely to express personal convictions,” the message announces at the outset. Such personal convictions as are here expressed, are not provided for in the Constitution; and it may well be doubted whether that instrument contemplates the personal convictions of the Exec-

utive to any extent. A defense of an Administration in an official document fails to demand respect as a modest, elegant, or refined performance. So to harangue the people as to real or imaginary faults in the doubtful and objectionable terms of partisan heat or personal feeling, is certainly extra Constitutional. General Jackson, who was a law unto himself, was accustomed to make long and spirited defenses of his own conduct in his messages to Congress and the country; but the acknowledged disposition and practice of the long line of Presidents have been to ignore personal considerations almost wholly in their public acts. So far has this noble and correct spirit been displayed at times as to prevent the Executive recognizing the ordinary so-called claims of friendship.

At the time this message was written President Pierce very well knew that a large number of respectable men in the country earnestly believed that the Legislature, "Bogus Legislature," of Kansas was a fraudulent body, that many of the laws enacted by it were utterly wrong, and that the course the Administration had pursued there founded upon those acts was unwise and wrong, and that in the language of John M. Clayton, of Delaware, "the unjust, iniquitous, oppressive, and infamous laws enacted by the Kausas Legislature, as it is called, ought to be repealed before we adjourn." But the President said all these people were led away by prejudice and fanaticism, and had no hesitancy in arraigning their motives even. His condemnation was only for one side. For the other there was no wrong. There

were two sides to this question everywhere, yet the President appeared unable to see them, even in Kansas, where the most startling outrages were of daily occurrence, and on one side by the officers and advocates of the system which he desired to have take its own way without hindrance.

This message so palpably exposes itself in spirit and form as to render any systematic analysis of it unnecessary, if it would not also be to a great extent a repetition of what has already been said.

Apparently without recognizing the impropriety of such a course, President Pierce was quick in the employment of the two most convenient terms in the mouths of inconsiderate men. Few words have so vague, yet wide and crushing influence on the tongue of the political and religious mountebank as "*prejudice*" and "*fanaticism*." With these and other easy-going people, perhaps from the beginning of human history, the man who has been persistently or unalterably devoted to a great truth or principle, or who has held to an exact line of usages and conscientious steps, or thoughts and acts irrespective of the thoughtless and erroneous practices, and groundless and unsatisfactory views of those around him, has been deemed a *prejudiced* man, and actuated in conduct by *prejudice*; and any noticeable spirit of enthusiasm or warmth in adhering to and sustaining or putting forth any of these things has entitled him to the distinction of being a *fanatic*. Almost every phase of thought and act, from the most trifling habit, no matter how correct in itself, to the most lofty deeds and beneficial

works of mind and life, has been looked upon as mere prejudice or fanaticism. The most learned, unselfish, and just men the world has ever known have been deemed fanatics. The forerunners of science, philosophy, and invention, have been considered fanatics. Prejudice and fanaticism have been represented as lying at the bottom of all religious and political progress, and in these and other fields the standard-bearers have often suffered martyrdom. And by what? By the dark, damning "fanaticism" of thoughtlessness, recklessness, selfishness, ease-seeking, time-serving, ignorance, unbridled license, conservatism, and immorality. A mean and evasive spirit is always exhibited in the cry of fanaticism and prejudice. Deeds, principles, and lives that will not and can not stand the test of discussion, light, and reason have always found a safe shelter under the cry of prejudice and fanaticism. Where argument has failed, or pride and weakness prevailed, the charge of fanaticism and prejudice have supplied all deficiencies. These words have always been powerful weapons in the hands of the demagogue. And his imitators in every condition of life, from the conservative politician who has always been ready for a compromise, to the devotee of self-interest, however evil the interest, or even away down to the gratifiers of unrefined, unclean, or depraved tastes and practices in body or mind, have well learned the force of the terms. It is not only mean and unfair to assault a man with a vague and meaningless and never-to-be-vindicated charge, but the mere use of the terms *prejudice* and

*fanaticism* is an insult. No really intelligent person can be a fanatic or have prejudice in the ordinary sense of the terms. A just and properly educated man—that is, one whose heart and mind are educated—can never be prejudiced. To accuse a man of prejudice is to say that he is ignorant, unrefined, wrong-minded, and evil-hearted; for prejudice usually embraces the idea of predisposition or inclination to think evil or do an act from ill-will or desire that harm of some sort may result. When I say you are prejudiced, I have laid myself liable to be regarded by you as thoughtless and vulgar. Your devotion to a truth, a great principle, a clean and manly life, does not place you under the ban of prejudice because these things conflict with the principles and practices of others, whether they are good or evil in themselves. A true, clean, and cultured man does not oppose another because of falsehood, wrong, injurious pursuits, unclean mouth, or offensive breath, in him. He pities, and may and should shun, but he fights only against the evil.

Fanaticism is a still more uncertain and difficult thing to be lightly attributed to any one. God manifest was a fanatic; and among men merely who has not been, from Paul to Luther, from Swedenborg to William Penn and Roger Williams, from Peter the Hermit to John Gough, the reformed drunkard, from Galileo to Columbus, from Sir Isaac Newton to Morse and Fulton, and indeed from Moses to William Lloyd Garrison?

At the risk of a charge of repetition in substance

I have not felt disposed to neglect another opportunity to touch this subject. The President's ungracious assault on a large part of his countrymen, who had certainly done much to irritate him and foment public discord, while he had no word of reproach for those who stood on his side, although they, too, had been agitators, disturbers of the peace, and often utterly reckless, unscrupulous, and criminal in their (fanaticism?) devotion to the one great interest, was quite generally condemned in the North, while it was defended in the South; and in Congress it was the subject of angry debate. In the course of his remarks on the message, Mr. Hale, of New Hampshire, said :—

“I look on the message of the President as a most unfortunate one. I have no desire to say anything which shall be construed into a want of courtesy, kindness, or respect for him. I mean all due courtesy, kindness, and respect. His situation is certainly such as to appeal to the magnanimity rather than provoke the hostility of his opponents. If he had been content to submit to it, and go out, as it seemed to be the wish of his friends and foes that he should, without attempting to make such a charge as this against his political opponents, I should certainly have been content.

“But, sir, this message of the President is an arraignment of a vast majority of the people of eleven States of this Union, of want of fidelity to their Constitutional obligations, and of hostility to the Union and Constitution of these States. I deny it totally. More than that: the President of the United States, by virtue of the privileges conferred on him by the Constitution, charges upon the majority of the people of these States, in the exercise of

their Constitutional prerogative of voting for whom they please, the high offense of endeavoring to ‘usurp’—this is his very language—‘the control of the Government of the United States.’ ‘Usurp,’ if lexicographers understand the meaning of the word, is ‘to seize by force without right.’ I have observed in the history of the past few months no attempt in any section of the country, last and least in that section which the President arraigns, to seize upon power in this Government, except by the regular Constitutional discharge of the people’s obligations and duties as citizens going to the polls in the exercise of their elective franchise. Again, sir, I have not heard from a single citizen of those States an intimation, that if they should fail in the canvass upon which they had entered, and in which they were striving to secure a majority in the councils of this Government, they were to do anything else but submit quietly and peaceably to the Constitutionally expressed will of a majority.”

Mr. Wilson, of Massachusetts, said:—

“The party to which reference has been made in this message—for I take it this assault of the President of the United States is upon the Republican party, and the people who supported that organization in the last election—stands before the country with its opinions clearly expressed and openly avowed. It has a right to claim from the President of the United States; it has a right to claim from honorable Senators here; it has a right to claim before the country that it shall stand upon its broad and open declarations of principle. How does it stand? It accepts the Declaration of Independence and the Constitution of the United States as its fundamental creed of doctrine. It claims that Congress has a right to legislate for the Territories of the United States, and to exclude slavery from them. It avows its determination to exercise that power. It has a right to ask of the President, and

the country, that it shall be judged by its open and avowed declarations, and shall not be misrepresented, as it has been misrepresented in this document by the President of the United States. The declaration is broadly made here, not only that these men are sectionalists, not only that they have gotten up a sectional warfare, but that they are maintaining doctrines hostile to the perpetuity of the Union. Now, sir, let me say here to-day, that I do not know a man in the Free States who supported John C. Fremont in the last Presidential election, not one of the one million three hundred thousand intelligent freemen who supported that nomination, that ever avowed his intention to go for a dissolution of this Union; but at all times, on all occasions, in public and in private, they have avowed their devotion to the Union, and their intention to maintain and defend it.

"Let me say further, that the men in this country who avow themselves to be disunionists, that squad, which, during the last thirty years, on all fit and unfit occasions, in moments of excitement and moments of calm, have avowed themselves disunionists, have, as a body, *en masse*, supported the Democratic party. The whole Southern heavens have been darkened during the last four months by the black banners of disunion that have floated in the breeze."

The calm and dignified Seward, whose generosity was usually equal to his fearless frankness, uttered the following sentiment on the message:—

"The President, I think, has departed from a customary course which was well established by his predecessors; that was to confine the annual message of the Executive to legitimate matters of legislation which must necessarily occupy the attention of Congress, and leave partisan disputes, occurring among the people, to the consideration

and reflection of the people themselves. This President of the United States was the first one, I think, to depart from that course in his Inaugural Address; and, if I remember aright, he continued this departure in his first message and second message. He has been uncorrected, or rather unreformed in his erroneous course; he goes through to the end in the same course. I am willing, for my own part, that he, like all the rest of us, shall have his speech; shall assign his reasons and his vindication for his policy. I do not question his right; I do not dispute it. Whatever I have thought necessary to submit to any portion of my countrymen in regard to the canvass which is past, has been submitted in the right time, in the right place, and I trust, in the right spirit. I am willing to allow the President of the United States the same opportunity which you and I and all others have enjoyed."

## CHAPTER XXI.

FREEDOM AND SLAVERY—ADMINISTRATION OF FRANKLIN  
PIERCE—WHAT IT ACCOMPLISHED—  
OPINIONS OF IT.

DURING this discussion, Mr. Mason, of Virginia, gave utterance to this language:—

“Mr. President, the constant and obstinate agitation of questions connected with the institution of slavery, has brought, I am satisfied, the public mind in those States where the institution prevails to the conviction that the preservation of that institution rests with themselves and with themselves only. Therefore, at this day, when it is the pleasure of Senators again to bring that institution under review upon this floor, in any connection whatever, as one of the Representatives of the South, I take no further interest in the discussion, or in the opinion which is entertained at the North in relation to it, than as it may confirm the hope that there is a public sentiment at the North yet remaining which unites with the South in the desire to perpetuate the Union, and that, by the aid of that public sentiment at the North, the Union will be preserved. But further than that, as a statesman, and as one representing a Southern State, where that institution prevails more largely than in any other, the public sentiment of the North is a matter indifferent to me, because I say again, we have attained the conviction that the safety of that institution will rest, must rest, and should rest, with the people of the States only where it prevails.”

This man, who calls himself a statesman, pretended to be totally indifferent to the opinions of Northern men. Quite contrary to this sentiment was that of William Walker, the Nicaraguan filibuster, who was a champion of slavery, and somewhat unique in his theory of reaching the highest possible degree of civilization through that "institution." In speaking of Mr. Seward and his views at this period, Walker made this wonderful statement:—

"I deem it a great error on the part of Southern men to attempt to belittle the intellect, or depreciate the motives of the leaders of the anti-slavery party. The higher their intellects, the purer their motives, the more dangerous are they to the South."

That was putting the question on wholly different grounds. Only the ignorant and impure could be relied upon as supporters of slavery? At any rate, according to this very outspoken person, the dangers to slavery increased with the increase of purity and intelligence. But this strange new doctrine should, perhaps, entitle its author to a position among fanatics, for who else could intimate that slavery must die with the increase of purity, and the growth and expansion of mind?

This was the last communication of any note made by President Pierce to Congress. An act was passed at this session providing for the prepayment of all transient matter through the mails; an act for the construction of a wagon-road from Fort Kearney in Nebraska through the South Pass to California; also for a military road in Oregon; for the prevention of

the importation of immoral pictures of various species; for granting more public lands for railroads, in Minnesota and Alabama; and the following important measures: Authorizing the people of Minnesota to form a State government; a tariff bill passed by a large majority of both Houses, called the "Tariff of 1857," and which went into effect on the first day of July, adding several articles to the free list, and greatly reducing the tariff on others, and altogether providing for an annual reduction of the revenue to the amount of fifteen millions of dollars; and a bill for aiding a company in laying a telegraphic cable between Great Britain and this country. This Atlantic Telegraph Bill provided that the Government should pay the company seventy thousand dollars a year for transmitting its messages, until the net profits of the business reached six per cent, and from that on fifty thousand yearly, Congress reserving the right to terminate the contract on its part after ten years by giving notice a year before. Congress, together with the British Government, was also to regulate the rates of charges; also in February a bill was passed for gathering up all old Spanish quarters, and other small pieces of money, circulating in the country, and turning them into the mints.

Kansas affairs also came in for a large share of attention, although as in all other cases, all attempts at pacification failed. Mr. Grow, of Pennsylvania, on the part of the Republican majority of the House Committee on Territories, reported a bill for the settlement of the difficulties, which the Republicans

deemed very fair. In this feeling, however, the Southern Congressmen did not share; and although the measure would have taken away the present matter of contention, there could be no assurance of its giving any permanent relief to Kansas or the country at large. The bill provided for the annulling of all the laws compiled for the Territory at the Shawnee Mission; for beginning anew, with every possible safeguard and protection to the actual settler and the ballot-box in a just and impartial attempt to carry out the doctrine of squatter sovereignty. This bill was finally passed in the House by a vote of ninety-eight yeas against seventy-nine nays; the yeas all being from Free States, ninety-two Republicans and six recent Know-Nothings. Fourteen of the nays were from the Free States, two Know-Nothings, and twelve Buchanan Democrats, one of whom was William H. English, of Indiana. The Senate laid this bill on the table by a vote of thirty to twenty. Of the twenty Senators voting against tabling the bill, two of them were from Slave States, Bell, of Tennessee, and Houston, of Texas. Eight of the yeas were from Free States. So was defeated by the South a measure the Republicans considered a fair and generous mode of further delaying the contest between freedom and slavery. On the night of the 3d of March the session closed, and on the following day Franklin Pierce ceased to be President of the United States. His administration had been a stormy one, and although not without good, it left the country in a worse condition than it ever had been in

before. Several able men occupied places in his Cabinet, and with these he maintained with spirit and skill the foreign affairs of the country, and greatly increased its commercial privileges among the other nations of the world. And at home, perhaps, more than the usual amount of progress had been made, in spite of the great political turmoil. But his general political policy was not satisfactory even to his own party in the North ; and while the South praised him as the conscientious Constitutional President, it suffered most from the course he took ; and although this fact soon became apparent, the tendency of the men of that part of the Union has always been to hold up Stephen A. Douglas as the scape-goat for the misfortunes which arose at that time and led on to the final overthrow of the great sectional and disuniting institution of slavery. The early and sanguine expectations as to this Administration were certainly not fulfilled ; and although the Democratic Convention at Cincinnati indorsed it, Pierce's renomination was not considered advisable on the ground that the party could not be united on him, while the selection of Mr. Buchanan would take away the certainty of defeat. Yet somehow Mr. A. H. Stephens says in his "Compendium (or School) History of the United States" that "General Pierce retired to his home in Concord, N. H., with the confidence and esteem of a large majority of the true friends of the Union under the Constitution in all sections of the country." This peculiarly worded eulogium is, however, somewhat vague as to the class it really embraces.

Ransom H. Gillet, in his "Democracy in the United States," says of Mr. Pierce:—

"The untoward events during the last two years of his Administration, for which he was not responsible, clouded his popularity, but did not destroy the confidence of his friends either in his ability or honesty. These events had their origin with others seeking political power, and over whom he could exercise no control."

Of course, true friends do not desert men for errors of judgment, and indeed seldom for errors of life, and these did not abandon Franklin Pierce in his hour of need. And notwithstanding the time never came when the cloud was entirely removed from his popularity, even in his own State, his friends gathered closer around him, political asperities were forgotten in the genial, generous man, and when the "fitful dream was o'er," he was elevated to the rank of a hero among the mountains of New Hampshire.

How far President Pierce was responsible for the "untoward events" of his term of office has already been seen from his own language, as also how deeply his own heart and sentiments were involved at every step. That he was conscientious may not be doubted; and that he believed that as President he should do just what the Constitution indicated, no matter what might be the sentiment of any section or the growth of any supposed higher state or law of life, there is also no clearly just ground of doubt. He fell into the needless mistake of considering the Missouri Compromise unconstitutional, and in his generous feelings towards the South which he saw continually stung

by the aggressive men of his own section, he was willing to see the dividing line broken down, without being able to perceive the calamitous result, which should have been plain to any one. That Franklin Pierce had a certain and definite feeling in favor of human slavery is not easy to be believed, and the very mention of which is rejected by his old personal political friends now living in New Hampshire. But as President the plain provisions of the Constitution, perhaps, stood above all other considerations with him, and these he could not avoid if he would. He always seemed, from this point of view, unable to see any wrong or aggression from the slavery side; and his advisers and surroundings helped to close his ears and eyes to the exact truth of affairs in Kansas. Under the direction of his Administration the principle of "popular sovereignty," if it was ever designed for anything else, in its workings in Kansas, was a sham. And here began the one-sided character of his conduct of public affairs, giving his whole Administration a Southern and sectional aspect, which time can not efface, whatever importance may be attached to his supposed devotion to the Constitution.

The most extravagant men of the South were loud in his praise; but this was, perhaps, less to his credit and the probable purity of his motives than was the fact that the most extravagant men of the North were loud in his abuse. The Southern leaning of his course was then and may remain a source of kind feeling in the history of the people whom it was designed to serve most; yet it is not easy to see where

a sense of gratitude to Franklin Pierce could be held in the hearts of those who would have eternally established slavery in this country. His act introduced the test of squatter sovereignty; his act threw down the line of  $36^{\circ} 30'$ , and legalized the Kansas-Nebraska Bill; his policy led to the first warlike struggle of slavery in the actual field; this in its turn established the irrepressible conflict between freedom and slavery; and here in all of this was undoubtedly struck the first blows of the great civil war which ended in the destruction of slavery, the only real foundation for political sections and sectional Presidents.

“Of all American Executives, Franklin Pierce is pre-eminently entitled to the designation of the Constitutional President. The great covenant of American liberty, so ruthlessly despoiled in these degenerate days, when opportunity and pretext are the sufficient justification of flagrant violations of justice, was the guide whose precepts he followed without deviation. His Northern birth and training did not swerve from his obligations to extend an equal protection to the interests of other sections, the patriotic Executive, whom posterity will delight to honor, for his wisdom, purity, and impartiality, just in proportion as those qualities provoke the clamor of the dominant ignorance and passion of to-day.” (Alfriend’s Life of Jefferson Davis.)

Pierce was pre-eminently pledged to the Compromise Measures, and the determined suppression of all political disturbances and agitations of the slavery question. The whole campaign in which he was elected was founded upon this fact. He had not been known in national politics, and was supposed to be

untainted by its corruptions ; a pure, unsophisticated Democrat. His inaugural address and first message seemed to sustain this view. That he had it in his power to carry out the principles on which he had apparently been elected, there can be no doubt. And there is little mitigation in the fact that he entered with hesitancy and through much persuasion, if this doubtful point may be assumed as a fact, upon the course he afterwards took. There is no infernal fatalism in the statement that a final conflict between freedom and slavery was inevitable. Slavery had within itself the elements of self-destruction. Many things, all natural and apparent, conspired unceasingly to bring about the end of the institution in America. Yet, while it was sure to die, as a tree or man, certain well-known things would suffice to continue it indefinitely.

Had the people of the North said : Let slavery alone, or let it spread, let it come here, let us have it, let it be a national institution ; no one can reasonably believe that it would not have lived on for a long time, on the principle of this Government, that the majority must rule. While even the democracy of this principle is doubtful, its frequent falsity is often apparent when it comes to test the supposition that the majority is always right.

President Pierce could have removed the conflict farther into the future, had he chosen ; had he done as the majority of those who voted for him undoubtedly expected him to do, and all his promises seemed to indicate ; had he said to Mr. Douglas and

other friends of the Kansas-Nebraska Act: No, that is a measure I can not support; that would bring on a great agitation of the slavery issue; the passions of both sections would be stirred to the highest pitch; even a conflict of arms would not be improbable, with an attempt to divide the Union with a view to forming a separate government resting on the sole condition of absolute peace for slavery; no, I can not aid in such a measure; while the doctrine of squatter sovereignty may be well enough, the risks involved are too great; besides, I am pledged to the opposite course, one of peace, not of intestine war; the whole Democratic party is also pledged to the same course; then, too, the assertion that the Missouri Compromise line was repealed in 1850 is but a pretense, and will expose its authors and supporters to ridicule and contempt, to say nothing of the imputation of bad motives, when we did not introduce the question in the Presidential campaign, and it is very well known that everybody believed the slave line of  $36^{\circ} 30'$  was in full force, and was unaffected by the measures of 1850; no, as an enemy to dissension, I must oppose this measure to the last; in good faith to the whole North, I must oppose it; as a friend to the South, I must oppose it; this measure will bring on a contest which will have but one ending, and that averse to slavery, and in it the South will commit the most serious of all possible errors, supposing her object to be the perpetuity of slavery; no, I will veto this bill, and any or all others that shall be at all likely to disturb the country on this question, and also use

any personal influence I may have to prevent steps being taken in that direction ; no, I am fixed in this policy, and no argument can change me. But President Pierce did not take this course, and who else was responsible for his not doing so ? Who else was chiefly responsible for the sudden conflict which did not again rest until the cause of it was dead ?

“ Franklin Pierce left the Presidential chair with the regrets of neither party. His Administration commenced under most flattering auspices. He was elected by such a vote as had not been accorded to any candidate for many years, receiving more than six to one of the electoral votes. The country was at peace. Domestic questions of a disturbing nature were regarded as being harmoniously adjusted ; and Mr. Pierce was borne to the Presidency on the wave of popular applause, and there supported by a Congress, comprising a large majority in either branch of his own political friends. Yet surrounded by all these appliances the Administration was far from being a successful one. Its own hand threw the apple of discord which transformed the happy scene depicted in his inaugural and first message into one of wildest discord ; which aroused and embittered old animosities, stimulated sectional feelings, and kindled the torch of civil war. The course pursued by the President and his supporters rapidly augmented the strength of the opposition ; and the House of Representatives was so changed, that at the opening of the second Congress, that branch was organized with an opposition Speaker. The financial and general interests of the country likewise suffered. His own friends refused him a renomination, and he was turned aside for a new man.” (Holmes’s Parties and Their Principles.)

In the “ Mirror of Modern Democracy,” or “ A History of the Democratic Party, from its Organiza-

tion in 1825 to its Last Great Achievement, the Rebellion of 1861," I find these words :—

"Who can contemplate such servility to the slave power as is manifested in the messages and acts of this President, without disgust and indignation? But he has already received a large installment of deserved retribution. Mr. Pierce and his successor can hardly fail to see that, by their making common cause with the South against the advocates of freedom in the North, not merely conniving at, but positively aiding in carrying out their flagitious purpose of subjecting free territory to the dominion of slavery, they have encouraged the slaveholders in their insolent demands upon the North for further concessions, the denial of which was made the occasion of the Rebellion, for which they—these Northern Democratic leaders—are to be held in a great measure responsible."

However it was in 1864, the day of "disgust and indignation" long ago disappeared. But this is a fair example of the spirit which actuated the contending factions. These hot-headed men in the North saw nothing but slavery, and construed the President's acts at all times as favoring its aggressions. Many of them could never see but one side, and it was no use to hold up the Constitution before them. In 1850, and for some time subsequently, their written and spoken opposition to the "Fugitive Slave Law" was pitiable indeed. They were either unwilling or unable to see what was true, because it militated against their feelings. Slavery really had Constitutional rights, and because the President was not fighting for freedom, did not signify necessarily that he was sold to slavery.

At Philadelphia and other places he received the usual attentions bestowed upon outgoing Presidents, but there is every evidence that Mr. Pierce returned toward New England with a greater weight upon his heart politically than he had carried from it four years before. Indeed, the ill-health of Mrs. Pierce made it appear as necessary for him to take her abroad, and, accordingly, early in the fall of 1857 they sailed for Europe, where they remained, traveling in different parts until 1859. He now returned to Concord, but never again entered upon his profession or any other pursuit; and early in 1860, he left home for a short residence at Nassau in the Bahama Islands, hoping still to improve the health of Mrs. Pierce, to whom he now mainly devoted his time and attention. During his stay at Concord in 1859, there was some attempt to draw him into politics; and at various times subsequently he exhibited "more or less" interest in public affairs. But his life was chiefly spent in unpretentious quiet in New Hampshire and Massachusetts.

## CHAPTER XXII.

PRESIDENT PIERCE IN RETIREMENT—LETTERS AND SENTIMENTS—JUDGE MINOT'S DEFENSE—THE SEWARD CORRESPONDENCE—PIERCE AND HAWTHORNE—A NOBLE FRIENDSHIP—POOR HAWTHORNE FALLS AS HE DESIRED—THE WAR FOR THE UNION—ON WHICH SIDE?

“CONCORD, N. H., December 7, 1859.

“GENTLEMEN,—I am honored by the reception of your letter of the 3d instant, informing me that ‘it is proposed that citizens of Massachusetts, who honor and cherish the Union, who mean to maintain the Constitution of the United States and faithfully to carry out all its requirements and obligations, assemble in Faneuil Hall, on Thursday, the eighth day of December, instant;’ and inviting me to be present on that occasion.

“Twenty-five years ago one would have asked involuntarily, upon reading a letter like that before me, What are the dangers which threaten the Union? where are the men who do not honor and cherish that Union, who do not ‘mean to maintain the Constitution of the United States, and faithfully to carry out all its requirements and obligations?’ Could we not then, each for himself, have promptly answered, The dangers, if they exist, are too remote, and the men too inconsiderable in numbers, and too wild and extravagant in the principles and purposes which they avow, to make them the cause of even serious consideration much less of apprehension and disquietude?

“How is it to-day? How is it to be to-morrow, when patriotic hearts will beat in unison in the old Cradle of Liberty, and patriotic lips will repeat the sentiments and doctrines which were enunciated there more than eighty years ago, while the men of Virginia were preparing their crude but trusty weapons, not especially to protect their own borders, which have now

been ruthlessly invaded in violation of all law, human and divine, but to come to Massachusetts and mingle their blood with that of our fathers in defense of the common cause?

"Undisputed requirements of the Constitution, affecting the rights, the security of life and property of the sons of Virginia's Revolutionary men, are set at nought. Lessons inculcating disobedience to such requirements have been scattered broadcast in our community, and have borne their fruits, not merely in the exhibition of an insurrectionary spirit, but in an actual invasion of a sister State by an armed organization, the objects of which are not disguised. This is not all. The invasion and the overt acts of treason and murder are openly justified and applauded at large meetings of men and women in your midst.

"This is a sad truth, but not disheartening. It may be well that circumstances have occurred to arouse us from our lethargy, and to compel us to open our eyes, as if from the delusion of a dream, to the nearness and magnitude of impending calamities. It is comparatively safe to look dangers in the face, and meet them on the advance, but fatal to be appalled by them.

"I repeat that the aspect of affairs, dark as it confessedly is, still is not disheartening, because I believe there are in New England, and throughout the Middle and North-western States, multitudes of conscientious and patriotic citizens, moved, it may be at this moment, by sentiments differing widely from those which will animate you to-morrow, but who, nevertheless, would not willfully and deliberately shake a single column which sustains the fabric of our existing institutions; multitudes who have been misled upon the question of duty and personal obligations, and who now, when they have practical illustration, drawn in blood, of the teachings to which they have listened, and to which they may have given their assent, will pause long enough, at least, to take counsel of intelligent reason.

"You, upon the soil of Massachusetts, where the first blood of the Revolution was shed, and where Washington took command of the army in one of the darkest periods in our country's history, can not gaze listlessly upon the gathering clouds, and will not bow tamely before the coming storm. We may all have regarded with too much indifference the swelling tide of reckless fanaticism, but we are not too late to breast it now.

If honest men who really think the Union worth preserving will stand forth in the majesty and strength of patriotism and law, and with united purpose and becoming energy, they can and will roll that tide back, to the dismay and discomfiture of all conspirators against the public peace, and the integrity of the sacred bond which holds us a united people.

"I am glad to perceive that your meeting is to be composed of citizens of various parties. The high resolve and the solemn duty to which I have just adverted rise above the range of thoughts and motives which ordinarily connect themselves with political organization and party success. If we are true to ourselves; if we revere the memory, or appreciate the services of our fathers, we shall forget, in the exigency of this crisis, that there is or ever has been such thing as party in the ordinary acceptation of the term. At all events, we will forget it, until, through our steady, united efforts, we see the authority of the Constitution vindicated, and the Union reposing again securely upon its old foundations.

" You are right in assuming that this is no time for hesitancy; no time for doubting, halting, half-way professions, or indeed, for mere professions of any kind. It is a time for resolute purpose, to be followed by decisive, consistent action.

" Shall the fundamental law of the land be obeyed, not with evasive reluctance, but in good fidelity? Have we the power to enforce obedience to it, and will we exercise that power? If so, then may we continue to enjoy the multiplied and multiplying blessings of the peerless inheritance which has been transmitted to us. If otherwise, fanaticism has not mistaken the significance of its emblem—*the national flag with 'the Union down.'* That flag has waved through three foreign wars, with *the Union up*; cheering the hearts of brave men on sea and land, wherever its folds have unrolled in the smoke of battle! How many of our countrymen, as they have seen it floating from the mast-head in a foreign port, or giving its ample sweep to the breeze over a consular office, have proudly and exultingly exclaimed: 'I am an American citizen, and there is the ensign which commands for me respect and security, wherever throughout the wide world I may roam, or wherever I may choose temporarily to dwell!' How one would shut his eyes, and cover his face in

shame and sorrow, if he believed he were destined to see the day when that flag will float no more! And yet if agitators and conspirators can have their way, it must go *down* in darkness and blood. In a Republic like ours law alone upholds it, and when that loses its power, all human power to save is lost. If such overwhelming disaster to humanity is to overtake us, I, for one, will not try to peer through the darkness and blackness, or to foreknow the end.

"Let us act calmly and deliberately, without passion and without acrimony. Let us take no hasty nor narrow view of the causes which have produced the dangers we would meet, and if possible avert. It is not the recent invasion of Virginia, which should awaken our strongest apprehension, but the teachings, still vehemently persisted in, from which it sprung, with the inevitable necessity which evolves the effect from the cause.

"So, again, it is to be remembered that those who boldly approve and applaud the acts of treason and murder perpetrated within the limits of Virginia, are not the most dangerous enemies of the Constitution and the Union. Subtle, crafty men, who, passing by duties and obligations, habitually appeal to sectional prejudices and passions, by denouncing the institutions and people of the South, and thus inflame the Northern mind to the pitch of resistance to the clear provisions of the fundamental law, who, under plausible pretexts, addressed to those prejudices and passions, pass local laws designed to evade Constitutional obligations, are really and truly, whether they believe it or not, the men who are hurrying us upon swift destruction.

"Your reprobation of the ethical and political teachings which inspire this line of conduct will, I am sure, be pronounced in tones so earnest that no man can mistake their import. You will show, on your part, readiness to give to fellow-citizens of other States such just legislation by Congress as shall provide for the punishment not only of actual invasion, but for the setting on foot of armed expeditions, and thus do what you may effectually to secure, by Constitutional enactments, each State against violence from any other. I shall hope that your meeting will awaken a spirit which will lead Massachusetts and Virginia to grasp again reciprocally the hand of affectionate

sympathy and support—of love and honor—as they did in 1776, when, as the elder and more powerful of the colonies, they made up the issue of blood against the power of an unjust parliament. Why should it not be so? Is there any cause of alienation, on our part, which did not exist at the formation of the Government? When have the people of the South invaded our territory, slain our people, or conveyed away our property? Why should not the authority of New Hampshire honor and cherish the authority of Mississippi? Are they not each sovereign, but yet are they not bound up together in the endearing bond of a common country? To establish upon a firm footing these relations between all the States, what is required but cordial, loyal, manly recognition and enforcement, in spirit and in act, of all the requirements of the compact entered into by the fathers who have passed to their reward? Can it be that there is, among any large portion of our people, North or South, settled purpose to accept the benefits, but deny the burthens of the Constitution? Have all sentiments of patriotism and honor perished together? If that time has come, or you discern its approach, then, indeed, should you who desire to live under this Constitution, expounded by the august tribunal into whose charge our fathers gave its exposition, raise the voice of warning, and save, if it be possible, the voice of woe. But it has not come, and it is still in your power to say it shall not. There is no inevitable, irresistible impulse hurrying it forward.

"I deny, in the name of all that is most sacred and precious in our inheritance, that there is an element of 'irresistible conflict' between the Southern and Northern members of this confederation. The doctrine is as unsound and untrue as it is fearful. It is contradicted by the unbroken experience of the first fifty years of our history. It would have been the price of the loss of reputation for life, to have uttered it while the men who fought the battles of the Revolution, and framed the Constitution, were yet alive. No! it has not come, and with the blessing of God upon the exertions of good and patriotic men, it will never be nearer.

"I have faith in the power of your efforts, my fellow-citizens,—faith that your example, in this relation, will be followed, and your action imitated, not only in other parts of Massachu-

setts, but by citizens of other States, who appreciate the blessings which the Constitution has conferred upon them, and who, come what may, intend on their native soil, and with their children around them, to claim its protection and uphold its authority. I have faith, above all, that the continued favor of the God of our fathers, who watched over our feeble political beginnings, who preserved us through the innumerable perils of the struggle for nationality, will yet make the wrath of man subservient to the peace and durability of this Union.

"With thanks for your remembrance of me on this occasion, and regrets that it is impossible for me to meet you in Faneuil Hall, I am, gentlemen, very truly, your friend,

"FRANKLIN PIERCE.

"HON. WM. APPLETON, FRANKLIN HAVEN, HENRY J. GARDNER,  
LEVERETT SALTONSTALL, GEORGE LUNT, JOHN T. HEARD, S. T.  
DANA, SIDNEY WEBSTER, Executive Committee."

"CLARENDON HOTEL, January 6, 1860.

"MY DEAR FRIEND,—I wrote you an unsatisfactory note a day or two since. I have just had a pleasant interview with Mr. Shepley, whose courage and fidelity are equal to his learning and talents. He says he had rather fight the battle with you as the standard-bearer in 1860, than under the auspices of any other leader. The feeling and judgment of Mr. S. in this relation is, I am confident, rapidly gaining ground in New England. Our people are looking for 'the coming man;' one who is raised by all the elements of his character above the atmosphere ordinarily breathed by politicians; a man really fitted for this exigency by his ability, courage, broad statesmanship, and patriotism. Colonel Seymour (Tho's H.) arrived here this morning, and expressed his views in this relation in almost the identical language used by Mr. Shepley. It is true that in the present state of things at Washington and throughout the country, no man can predict what changes two or three months may bring forth. Let me suggest that in the running debates in Congress, full justice seems to me not to have been done to the Democracy of the North. I do not believe that our friends at the South have any just idea of the state of feeling, hurrying at this moment to the pitch of intense exasperation, between

those who respect their political obligations and those who have apparently no impelling power but that which fanatical passion on the subject of domestic slavery imparts. Without discussing the question of right, of abstract power to secede, I have never believed that actual disruption of the Union can occur without blood. And if, through the madness of Northern Abolitionism, that dire calamity must come, the fighting will not be along Mason and Dixon's line merely. It will be within our own borders, in our own streets, between the two classes of citizens to whom I have referred. Those who defy law and scout Constitutional obligations, will, if we ever reach the arbitrament of arms, find occupation enough at home. Nothing but the state of Mrs. Pierce's health would induce me to leave the country now, although it is quite likely that my presence at home would be of little service. I have tried to impress upon our people, especially in New Hampshire and Connecticut, where the only elections are to take place during the coming spring, that, while our Union meetings are all in the right direction and well enough for the present, they will not be worth the paper on which their resolutions are written, unless we can overthrow political Abolitionism at the polls and repeal the unconstitutional and obnoxious laws, which, in the cause of 'personal liberty,' have been placed upon our statute-books. I shall look with deep interest, and not without hope, for a decided change in this relation. Ever and truly your friend,

"FRANKLIN PIERCE.

"Hon. JEFF. DAVIS, Washington, D. C."

These and two other letters were published in a pamphlet at Concord in 1864, prefaced by a defense of President Pierce, by his old law-partner and friend, Judge Josiah Minot. This is the main part of the preface:—

"No man since the days of General Jackson has been the object of so constant and unscrupulous misrepresentation and abuse, by the opponents of the Democratic party, as General Pierce. In the recent political campaign in this State, they

have represented him as the head and front of that party, determining its opinions and directing its counsels and action; and have made him the great object of their attacks, as though his overthrow was indispensably necessary for Republican success and triumph. A letter from him to Jefferson Davis has been made an electioneering document, lithographed and scattered broadcast throughout the State, to create prejudice and excite passion in unreflecting minds, by the most false idea that General Pierce has sympathy with Southern secessionism, and is a 'traitor' to his country.

"But notwithstanding all this, General Pierce, throughout the whole campaign, has remained entirely silent. For reasons which the mere mention of his domestic bereavement in December last will readily suggest, he has refrained from any participation in that campaign. And with a knowledge of this, we have not, during the continuance of the campaign, made allusion to those misrepresentations and abuse, because we did not feel at liberty, in any way, to bring General Pierce's name into any public discussion, which we knew would be so painful to him at that time. Besides, we preferred to address what we desired to say to minds undisturbed by the excitements of an election.

"We do not propose, now, to enter into any discussion or to offer any arguments of our own in defense of the patriotism of General Pierce. We are content to have him judged in that, as in other respects, by the record he himself has made. We only demand, what all just men will concede, that his record of that period be considered with a full recollection of the circumstances under which it was made, so that it may be rightly comprehended. For that purpose, we publish the letter referred to, in connection with three preceding letters of General Pierce, of the dates of December 7th, 17th, and 31st, 1859, all within thirty days previous to the letter to General Davis, and with that forming 'the record of a month' in General Pierce's history.

"It should be borne in mind, while reading these letters, that the John Brown raid into Virginia occurred October 17th, 1859, less than two months before the first of these letters was written. And the letters refer to the lawless disregard of Con-

stitutional obligations and sacred rights, shown by Abolitionism in its legislation, and in that direct and culminating attack on the Southern States. Secession by the South was not then thought of except by a few extreme men who believed that peaceful separation was the only course to avoid the ‘irrepressible conflict’ thus first begun in open violence, by the North. There was not then any idea of secession on account of the Chicago platform or the election of Mr. Lincoln as President, because the Chicago Convention was not held until more than three months afterwards. Neither political party had then announced its platform or selected its candidates; and the Presidential election was then nearly a year distant. The sentiments of all these letters are the same. They refer to the mad spirit of Abolitionism, which had for many years been nourishing sectional hate, practicing disregard of Constitutional rights and obligations, teaching the fatal doctrine of ‘irrepressible conflict,’ and had recently given its first example by John Brown, as the great source of danger to the country.

“The idea that this letter to General Davis was intended or calculated to give any encouragement to Southern secession is most absurd. On the contrary, no words of warning to those at the South who may have thought of separation from the Union in any form, could have been more forcible than those uttered by General Pierce in this letter. Without entering into any discussion of ‘the question of right—the abstract power to secede’—he closes and settles the matter by the distinct avowal that ‘any actual disruption of the Union’ can not and will not be suffered. There could not have been any misunderstanding of the spirit and meaning of the letter in that respect. Its effect was to dispel the idea of any possible peaceful separation, and to warn against any attempt for separation by force, by the assurance of the terrible and bloody opposition with which such an attempt, from any quarter, would surely be met. At the same time it repelled the idea of any necessity for separation, and assured the South that ‘if through the madness of Northern Abolitionism’ that dire calamity should be attempted, the same true friends of the Union at the North, who would oppose Southern secession, would equally oppose that.”

"SENATE CHAMBER, January 30, 1860.

"MY DEAR FRIEND,—We are yet as when you sailed, talking in the Senate and wrangling for organization in the House. There is a belief that Smith, an Old-line Whig, of North Carolina, will be elected; but so many chickens have been counted from eggs which proved addle, that I have no confidence in the prophecies of the House.

"Governor Dana, of Maine, is still here, and much concerned lest our party should be divided at Charleston. I have not been able to show him how the question could be adjusted by 'resolution,' but have told him of the only way I have seen, and which is that of nominating the man who will be accepted by both sections without a platform.

"Yesterday we had our youngest boy christened Joseph Evan, and wished we could have had you and Mrs. Pierce to wish a 'God-speed' on the journey of life.

"Nicholson, of Tennessee, is reading a speech; need I say on what? Do we ever speak of anything but that over which we have no control—slavery of the negro?

"The prospect for our country is not less gloomy than when you left: The condition in which General Cushing said men should provide for storm seems to be rapidly approaching. I will stand by the flag and uphold the Constitution whilst there is possibility of effecting anything to preserve and perpetuate the Government we inherited. Beyond that my duty and my faith binds me to Mississippi and her fortunes as she may shape them. I hope on for the kind providence that has preserved us heretofore, and still labor at my post as a member of the General Government.

"Please present my kindest remembrances and most friendly wishes to Mrs. Pierce. Mrs. Davis would, I know, join me in these expressions of affection to Mrs. Pierce and also to yourself.

"Hoping to hear from you often, I am, as ever, truly yours,

"JEFFERSON DAVIS.

"President F. PIERCE."

"ANDOVER, MASSACHUSETTS, November 28, 1860.

"MY DEAR SIR,—I have received your kind, earnest letter, and participate strongly in your apprehensions. To my vision

the political horizon shuts down close and darkly. It may be that light is to break through somewhere, but I do not discern the quarter. I had occasion to write a friendly letter to Secretary Thompson (Interior) a day or two since, and expressed to him briefly my convictions and fears and hopes in relation to the present state of affairs. I did not expect that letter to be published, but the blackness of darkness is gathering so fast that if anything can be done to save our glorious Union it must be done speedily, and, in my judgment, at the North chiefly.

"If you call on the Secretary he will show you that letter, and if he thinks the publication of it would be useful, he can use it as he pleases. The truth must appear, that it was written in the course of friendly correspondence, and not with a view to publication. Among intelligent, reflecting men alarm is evidently increasing here daily. One decisive step in the way of *coercion* will drive out all the slave-labor States. Of that I entertain no doubt. My suggestion about the tone and temper of Congress, and the importance of temperate words and action might possibly have some degree of good influence, and there is, perhaps, more hope that it might be serviceable just at this juncture at the North; but it was hastily written, and my friend, the Secretary, must judge. If you call on him, show him this note.

In haste, your friend,

"FRANKLIN PIERCE.

"Hon. HORATIO KING, First Assistant Postmaster-General."

"BROMFIELD HOUSE, Thursday morning.

"DEAREST JENNIE,—I have now the experience of a week under the treatment of Dr. Hoffendahl, and, although I have not been relieved to so great an extent as I had hoped to be, still with a cough so firmly seated I ought not, perhaps, to have expected more. The decided apparent change for the better day before yesterday led me to believe that I should soon be quite well again. I should like to be out with my usual physical strength and better stock of wisdom. Yet one is constrained to ask *pour quoi*: What can human energy or human wisdom do with complications like these?

"Did you read the correspondence between Mr. Buchanan

and the South Carolina Commissioner in the ‘Post’ of yesterday. If not, you had better do so. It would seem that Mr. Thompson has also retired from the Cabinet, on the ground that the President has not kept faith with his Constitutional advisers. What a sad, humiliating, hopeless condition of things! How the best earthly blessings—even health and life—sink in the scale of one’s estimation. I would not have you think that I am weakly brooding over evil or making myself unhappy about matters over which I have no power. Mr. Crockett has just brought in the *extra*, which you will see this evening, headed ‘The War Begun.’ I can not conceive of a more idle, foolish, ill-advised, if not criminal thing, than the sending of the *Star of the West* to Charleston under existing circumstances. I wish it might turn out to be nothing more than ‘fuss and feathers.’ But will not the first act of war, the useless sending of this steamer, and the first hostile gun reverberate and blaze along the whole Southern line, calling men to arms? I have not failed to observe the fires which fanaticism at the North has been kindling. I have not been a silent observer, bowing before the fearful element, and folding my hands in despair. In private conversation, and in public speeches, in letters, and public documents I have uttered words of timely warning, and on this point at least I have no occasion for self-reproach. The gathering storm has not taken me by surprise. I have seen its approach, and am prepared as well as I may be for any devastation which it may leave in its train. My cough is comparatively light to-day, but the weather is so unfavorable that I shall not go out. Love to all.

“Ever dearest, with warmest affection, yours,  
“FRANKLIN PIERCE.”

“ANDOVER, MASS., March 21, 1862.

“MY DEAR SIR,—I found your letter of the 9th on my return from Concord a day or two since. If our interview were presented exactly as it occurred, I could have no objection to it, and I am sure you could have none. Men destitute of tone and honor themselves, are prone to attribute unworthy motives and objects to others, and hence I take it for granted that the account to which you refer was a gross perversion.

But it is of no consequence. Indeed I should never have heard of the article but for your note.

"The result of the late election in New Hampshire does not disappoint me. Sectionalism is the strongest passion and the controlling power in the Northern States to-day. And, sad to say, corruption is stronger than integrity. Under such circumstances things must remain as they are, or grow worse, until the people are called upon to *pay*, and have actually *paid*, in part at least, not for the preservation of the Union, but, as they will discover, for its destruction, in the midst of a scene of misrepresentation, carnage, devastation of States, hopeless abandonment of homes, shameless peculation in high places and abounding petty frauds in low ones, such as the world has not before witnessed. This experience with its fearful teachings will come too late. Too late to save the glorious heritage of the Union *as it was*. Too late, perhaps, to save for any portion of our country the admirable system of government which our fathers gave us.

"Yours truly, FRANKLIN PIERCE.

"Hon. JOHN H. STEELE, Peterborough, N. H."

"CONCORD, N. H., August 17, 1864.

"MY FRIEND SPOFFORD,—I received your note on Saturday evening, but do not see how, consistently with your convenience or my own, we can meet again before you leave for Chicago. Nor, indeed, is there any especial occasion for it. You know my views, and I rely upon your friendship. What I wish to have done will be no task. It will be easy to check any word that may by possibility be said about me in connection with the nomination. The New Hampshire delegation will take no steps from first to last which favor or give sanction to my being a candidate. I wish you, as early as you can, to see them together. At all events you must understand, from what I have more than once said to you, how painful it would be to me to have my wishes in this relation disregarded by my friends in any part of the country.

"Whoever may be nominated will, I have no doubt, in obedience to what will be the vote of the convention, declare in the name of the Democracy of this United States, that the approaching election shall be a free election, an election conducted

in obedience to the laws of the land, with no military presence to overawe the unarmed citizen. And that if, in any sovereign State, recognizing the authority of the Federal Government, military usurpation shall come to suppress the people in the exercise of their rights under the Constitution and enacted laws, we will meet military usurpation with all the power we can command.

"But if your convention will act cordially and in harmony, there need be no apprehension that bayonets will attempt to control the judgment of the voters. No audacity in defiance of the Constitution will dare to confront with arms the united Democracy of the South-western, Middle, North-western, and Eastern States. No man, defying the Constitution which he has sworn to uphold and obey, can bring the army to support open rebellion against a fair and free vote. They will hold that we are a free people yet—let us be thankful for that—a free people living under a written Constitution, which binds the highest official not less firmly than the humblest citizen of the Republic. Of this, I think, you may be sure. The critical, the vital thing, will be united action on your part; and that such may be the result is my most earnest wish.

"Always your friend, FRANKLIN PIERCE."

"WASHINGTON, December 30, 1861.

"MY DEAR SIR,—An injurious aspersion on your fair fame and loyalty came into my hands. Although it was in an anonymous letter, the writer was detected, and subsequently avowed the authorship. The document must become a part of the history of the times.

"I desired that you might know how your name was made use of by a traitor to increase the treason he was encouraging. Unable to prepare a note to you personally, I devolved the duty upon the chief clerk of this Department. The manner in which it was done has given you offense. I regret it, and apologize for it with the only excuse I can make; namely, the necessity of employing another head to do what ought to be done, and which I had not time to do personally.

"I place your answer on the files of the Department of State as an act of justice to yourself. And I beg you to be

assured that all the unkindness of that answer does not in the least diminish the satisfaction with which I have performed, in the best way I was able, a public duty, with a desire to render you a service.

“I am with great respect, your obedient servant,

“WILLIAM H. SEWARD.

“FRANKLIN PIERCE.

“It may be proper to state that, adopting the form of address to Ex-Presidents of the United States used by the late Mr. Webster, I have invariably left off all titles of address as being most respectful.”

“CONCORD, N. H., January 7, 1862.

“DEAR SIR,—I have the honor to acknowledge the reception of your letter of the 30th ultimo.

“It could hardly have surprised you to learn that I failed to discover in your official note a desire to render me a service. You will excuse me if I regard even the suggestion from a source so eminent that I am ‘a member of a secret league, the object of which is to overthrow this Government,’ as rather too grave to have been sent off with as little consideration as a note of rebuke might have been addressed to a delinquent clerk of one of the Departments. The writer of the anonymous letter, it seems, ‘was detected, and subsequently avowed the authorship;’ and yet I am not advised whether he disavows reference to me, or whether there was an attempt to inculpate me in his disclosure. These were the only facts connected with him, his treason, or his confession, at all material for me to know. I suppose I am left to infer the latter, because although my name does not appear in the ‘extract’ to which my attention was particularly called, you still state that an aspersion upon my ‘fair fame and loyalty’ came into your hands.

“I think you will, upon reflection, arrive at the conclusion that the whole ground upon which the allegation is repeated should, as a simple act of justice, have been placed before me.

“It was not the manner of your official note, as you seem to suppose, nor any form of address, which awakened on my part a deep sense of wrong. These, whatever they may have been, were not worthy of serious notice. The substance was

what I intended, as courteously as I could, but very distinctly, to repel.

“I am, very respectfully, your obedient servant,

“FRANKLIN PIERCE.

“HON. W. H. SEWARD, Secretary of State, Washington, D. C.”

Between Hawthorne and Pierce, who in many respects had similar tastes, there was a life-long close friendship. This friendship began in boyhood, and Hawthorne's last words, both spoken and written, were addressed to Pierce. When Pierce became President, he appointed Hawthorne Consul to Liverpool, which moderate position seemed to be the height of his ambition. From the memory of this friendship bequests of a few hundred dollars were made to Hawthorne's children in the will of President Pierce. The following interesting letters will serve to illustrate the relations and characters of these two Americans, one arising to distinction by the labors of his mind, and the other by the actions of a political convention:—

“CONCORD, October 9, 1860.

“MY DEAR PIERCE,—I am most happy to give you good news of Una. All the violent symptoms were allayed by the first application of electricity, and within two days she was in such a condition as to require no farther restraint. Since then there has been no relapse, and now, for many days, she has seemed entirely well in mind, and better as to her bodily health than since we left Rome. The lady (Mrs. Rollins) who applied the electricity, tells us that her derangement was the result of a liver-complaint and a slight affection of the heart, probably produced or strengthened by the Roman fever; and these maladies, she says, are perfectly within the control of medical electricity and proper diet and exercise, the two latter being the most important remedies. She assures us that we need have no apprehension of future mental disturbance, and that we may

entertain the most confident hopes of her complete restoration in all respects, her constitution being remarkably good. I know that you will rejoice with me at these good prospects.

“Your friend,                    NATHANIEL HAWTHORNE.”

“CONCORD, December 3, 1861.

“DEAR PIERCE,—Here is a letter from O’Sullivan; and, as he wished a portion of it to be communicated to you, I think it best to send the whole. After reading, please to return it. You will be glad to see how confidently he writes respecting the success of his copper-mine; but I shall hardly share his hopes at present, after knowing him so many years, and seeing him always on the verge of making a fortune and always disappointed. Poor fellow! I am not sure that the fate he half-anticipates would not be the best thing for him—to be shot or hung. But perhaps I am as much too despondent as he is too sanguine.

“We are all perfectly well, and as happy as the times will permit anybody to be.

“With kindest regards to Mrs. Pierce, sincerely yours,  
“NATHANIEL HAWTHORNE.”

“PIGEON COVE, September 30th.

“To NATHANIEL HAWTHORNE, Esq.:

“MY DEAR SIR,—I have too long delayed, from ill-health and other circumstances, to acknowledge your pleasant book, which I have read from beginning to end, with all that I had read before and all that I had not. The added interest of the preface, and the warm assurance of a friendship which has on both sides been so constant, so affectionate, and so true, gives it a hold upon my regard of which even the ‘Scarlet Letter’ and ‘Marble Faun’ are destitute. My husband is lying on the sofa, and still suffers somewhat from the effects of the sun when he exposed himself on the mountain during the hot Wednesday. He joins me in most kind regards to yourself, Mrs. H., Una, and all. I looked for you and Una on Friday, and felt disappointed not to see her, although quite ill on that day. My husband was also absent with his niece, who had been ill. But I did not wish to give up what seemed to be

my only opportunity of seeing dear Una again. My husband proposes to write you very soon.

“I am, my dear sir, yours most sincerely,

“JANE M. PIERCE.

“It is hardly worth while for me to dissect the book, and to say what most interested or struck me; but I did like those pages devoted to Leigh Hunt particularly. And ‘Consular Experiences’ were so fresh and spicy, and ‘Outside Views of English Poverty’ so discriminating, that you will allow me just to mention them when I might so many more. I had taken a pleasant ramble with you through ‘Oxford’ and ‘Lemington Spa’ before.”

“CONCORD, MASS., March 13, 1864.

“MY DEAR GENERAL PIERCE,—It is a very long time since I have had it in my heart to write you a long letter, and amuse you with gossiping about ourselves, so as to bridge over one of the many chasms of loneliness in your life. But after you left us we were all wholly absorbed in preparing for a fair for the orphans in Georgetown, and since that event Mr. Hawthorne has been more indisposed, and I have used all the hours in arranging for his departure on some jaunt which might restore him, and in reading aloud to him, for the first time. He has been much less strong for a week or ten days. So now he wishes me to reply to your note, as he hates to take a pen in hand, and therefore I have a good chance of writing my letter.

“In reply to your note of yesterday, March 12th, Mr. Hawthorne says he has a great timidity and even dread of being a guest anywhere just now, and that he must, therefore, decline your kind invitation to meet you in Andover at Mr. Aikens’s. He feels that a journey is quite essential to his recovery, however, and, therefore, has been seriously meditating upon some change. Mr. Ticknor came last Saturday, and proposed an excursion, and Mr. Hawthorne assented to going away with him as soon as possible. Now Mr. Ticknor proposes to go as captain over you and Mr. Hawthorne, so as to be three strong in mutual aid, and I find my husband likes this idea very much, and he will go to Boston to-morrow, or the first fair day, and see Mr. Ticknor about it. But he entirely refuses to go, as Mr. Ticknor

wishes, as a guest to his house in Jamaica Plains. He will go only to Boston for a few hours, and I am going with him to return in the afternoon. It is becoming so cloudy that I fear it may rain to-morrow, however. Mr. Hawthorne, I believe, intends to make a covenant with you and Mr. Ticknor, that you will not introduce him to any persons, especially not to any ladies, during his absence. He is rather alarmed because my sister, Miss Peabody, has written me that Mrs. Fremont would like to see him very much in New York, and hopes he will call upon her. Did you know that Mrs. Fremont is a great admirer of you, 'as a private gentleman,' my sister says. She was one of the few large-minded persons who appreciated and saw the beauty of my husband's dedication of his book to you; and I should not wonder if she were capable of estimating justly your whole public career, though she might have different opinions on some points. Yet even to this high-minded lady Mr. Hawthorne will not be presented. I should not suppose he would, feeling indisposed, as he now does, since even in his prime of health he dislikes to meet new spheres.

"After you went away so long ago, we hoped every day for a note from you, and did not know that you had been very ill, till Mr. Ticknor told us, a week ago. It is very sad that you should have been ill in Concord, away from Mrs. Aikens. But it is dreary enough to have you ill anywhere. I trust that this journey in prospect will entirely restore you as well as my husband.

"Now I must tell you a little about our proceedings during Julian's long vacation. Julian painted for the fair a beautiful illumination, which sold for thirty dollars. It was his own design in illustration of Tennyson's wonderful poem, 'Ring Out, Wild Bells,' a part of 'In Memoriam.' It took him ten whole days to accomplish it. Una painted five vases, three with flowers and vines, and two with Etruscan designs; and flowers upon a paper-knife, and a box made of white holly-wood. All her works brought nearly twenty dollars. Rose drew the story of Penelope from Flaxman's outlines, and with my illuminated title upon the cover of the book, it sold for ten dollars. I think her labors in various ways were worth fifteen dollars at least.

"For the first time in many years I took up the pencil also,

and painted the Elgin marbles on a pair of vases, and tried my hand at illuminating, which I found very fascinating work. Miss Peabody brought me the quaint old rhyme of Gaffer Grey, and I put it into black letter, with illuminated capitals, and remodeled all the old English prints which illustrated it, so that quite a pretty book was made. I also put the words, ‘God loveth a cheerful giver,’ on a wooden knife, in old Missal style, as gorgeous as I could make it. We managed by five weeks’ industry to contribute about one hundred dollars with fingers and head work. Another good result was that Una found out that she could paint flowers, having previously modestly believed that she could do nothing in the way of art.

“It was a great happiness to us all to have Julian at home, but very disappointing to Una that his vacation lasted only up to her birthday, the 3d of March, so that he was not with us on that day. And we had all been so busy with the fair that Una came off very short in presents, and she was not convinced anew by any external signs that we were rejoiced she had been born, dear child, except that Julian gave her a book-mark he had long ago made.

“In one of your late notes you speak of thinking of Una in connection with Mrs. Pierce, and this gave Una sincere delight, for she seems always gladly surprised at any expression of interest in her, being just the opposite of a self-lover.

“My dear General Pierce, have you ever read Tennyson’s ‘In Memoriam,’ written on the death of Tennyson’s dearest friend, Mr. Hallam? If not, or even if long ago, I wish you would read it now, for I think there are most noble and profound solacements to be found there for a bereaved heart. It is full of grand thought and tender suggestions. I think it is the noblest monument ever erected by the living to the dead, or I ought rather to say, to the departed, for there is in effect no death.

“With the most affectionate regards from us all, I am, your friend,

SOPHIA HAWTHORNE.

“P. S.—Until your first note of a week ago, we had not heard a word from you, and had no sign, except a newspaper with a notice in it of dear Mrs. Pierce.”

"CONCORD, N. H., March 18, 1868.

"**M**Y DEAR,—When at your pleasant home a year ago I promised to send you that last letter written by the man of genius, the companion of my boyhood, and my constant and cherished friend. It was long before it caught my eye in a mass of ill-arranged papers, and a longer period has, perhaps, elapsed since. His strength was failing, as the handwriting but too clearly indicates. We met, however, as proposed, at the Bromfield House, Boston, and proceeded at once to the cars for Concord, N. H., stopping over a train at Andover. . . .

"We were detained at Concord ten days or more by bad weather, and then took carriage for the long contemplated trip, which we hoped might extend far beyond the White Mountains, to the wild scenery of Dixville Notch. We only reached Centre Harbor late in the afternoon of the second day. He was weary and very restless during the night. He partook of a slight breakfast in his room the next morning, and about twelve o'clock went out upon the piazza, which commands, as you know, a remarkably fine view of the lake, Red Hill, and pleasing pictures in the direction of Wolfsboro on one side, and Mount Belknap on the other. He was weak, but not suffering from pain, and evidently enjoyed the hour. I was much impressed with the idea that the journey of life might terminate near the sea, which he so much loved, than Dixville Notch, and suggested that it might be well to remain a day or two where we were. He said: 'No; we will go on this afternoon. The changing scenery in this picturesque region will attract my notice pleasantly; the motion will not fatigue me, and I am, on the whole more comfortable in the carriage with you alone than anywhere else.' We conversed but little during that afternoon's drive. But his eye was quick to catch every object, striking or beautiful, whether mountain or quiet valley, placid lake or running stream. Such remarks as he did make were characteristic; like himself, and like nobody besides. . . . He asked if I had read the account of Thackeray's death, and on receiving an affirmative answer, remarked in a low, soliloquizing tone: 'What a boon it would be if, when life draws to its close, one could pass away without a struggle.'

"We arrived at the Pemigewasset House, Plymouth, just

as the sun was sinking behind the hills and casting his last rays into our rooms. He took a cup of tea in the evening, with slight nourishment, and then upon the sofa dropped into a quiet slumber, from which he awoke in an hour or so, and retired for the night. Passing from his room to my own, leaving the door open and so placing the lamp that its direct rays would not fall upon him, and yet enable me to see distinctly from my bed, I betook myself to rest, too, a little after ten o'clock. But I awoke before twelve, and noticed that he was lying in a perfectly natural position, like a child, with his right hand under his cheek. That noble brow and face struck me as more grand and serenely calm then than ever before. With new hope that such undisturbed repose might bring back fresh vigor, I fell asleep again; but he was so very restless the night previous that I was surprised and startled when I noticed, at three o'clock, that his position was identically the same as when I observed him between eleven and twelve. Hastening softly to his bedside, I could not perceive that he breathed, although no change had come over his features. I seized his wrist, but found no pulse, ran my hand down upon his bare side, but the great, generous, brave heart beat no more. The boon of which he spoke in the afternoon had, before morning's dawn, been graciously granted to him. He had passed from natural sleep to that from which there is no earthly waking, without the slightest struggle, evidently without moving a muscle. . . .

"Ever your friend,

FRANKLIN PIERCE."

Little is now needed to show the position occupied by Mr. Pierce during the war of secession and slavery, a war which he believed originated in the aggressions and wrongs heaped upon the South by the extreme men of the Free States. He condemned the course of Mr. Buchanan's Administration towards its close, for its slight disposition to arrest by force the progress of events in the South; he condemned bitterly, as folly and wrong, the sending of the *Star*

*of the West* with relief to Major Anderson at Fort Sumter, hoping even that effort to uphold the national honor would end with old "Fuss and Feathers;" he was to the end unconditionally opposed to any thing like coercion, even the very name of coercion, and as strongly and definitely favored peaceful separation, which in itself would have been impossible, besides being the most utter folly, if a dissolution of the Union was necessary; he opposed the very idea of a war for the perpetuation of the Union, and believing it should be cherished by all, did not consider it worth the price of blood; his doctrine of strict construction of the Constitution he never ceased with great unreasonableness to apply to all the acts of Mr. Lincoln's Administration, when a state of war rendered it inapplicable; he favored every degree of tolerance and concession on the part of the North, and asked of the South only a little patience and time; his warm defense and support of the doctrine of State Rights, and attachment to Southern manners and Southern politicians gave him almost a decided preference for their institutions; still on the authority of Judge Minot, and his own early utterances, Pierce was not a pro-slavery Democrat, and did not sympathize with the "Southern institution" any more than other fair Northern man; but placing Constitutional obligations above sectional preferences, and believing that the spirit of concession which actuated the framers of the Constitution was still the only spirit that would save the country, acted always consistently upon this belief.

It may here be remarked, however, that at this day this claim as to General Pierce's pro-slavery or non-pro-slavery position amounts to but little, as it is well known and not controverted, that many of the Democratic leaders, at least in the North, were always pro-slavery men, at any rate so far as the "institution" of this country then existing in the South was concerned. Several of the old party managers have recently so asserted to me, although this imputation was to a great extent resisted while slavery lived. This fact was always well known in the South, although little talked of, and was relied upon until the end of Mr. Pierce's Administration. Not till then did Southern men see that they would mainly have to fight their own battles. With the mass of the Democrats at the North the Union was worth more than slavery, however little the negro might deserve consideration.

Concession to the South, as he believed for the sake of the Union, became a real passion with General Pierce toward the close of Mr. Buchanan's Administration; he would have been glad to have a Southern President, even Jefferson Davis, as Mr. Buchanan's successor; he believed the war which followed unnecessary and cruel and unjust to the South, and as the natural consequence of the acts of the extreme men of his own section, and in this opinion he remained. He neither approved nor supported any act of Mr. Lincoln's Administration. If the war could have been prevented and the Union saved, he would have been willing to guarantee the South

eternal security from disturbance about slavery, yet he never deplored the overthrow of slavery. He constantly fretted about infringements and neglect of the Constitution by the National Administration, but showed little concern on account of the course of the South; he deeply sympathized with the suspected enemies of the cause of the Union on the border, who were arrested and deprived of their liberty; his own case with Mr. Seward and at his own home gave him an additional incentive to this feeling; his letter to Milton Latham shows, perhaps, a grain of desire to add what he could casually to the general disturbances of the times; the foregoing letter, dated March 21, 1862, marked "private," and showing too clearly how little he cared for the prejudices (as he would term them) of his section, then "lost to virtue," may be read with surprise even now; he claimed some hope or fear of being nominated at Chicago in 1864, but warmly supported McClellan; and to the end swerved but little from the principles on which he started in politics, and never for a moment broke his connection with or faith in the men of the South who carried him into the President's Chair and supported his official conduct, and who never afterwards neglected to render him and his memory after him the praise said to be due for such services and confidence.

There is no evidence that General Pierce ever saw, in the light of regret, the turn his own course, as President, gave to public affairs. If he was above all others the Constitutional President, being so did not bring peace and harmony to the country, but

rather spread and fixed the elements of revolution and war. Having never appeared as a statesman before his election, his Presidency did not elevate him to that rank. His failure to fulfill the promises of his inaugural and first message furnishes a sufficient pretext for this assertion, and his last messages demolish any claim to genuine statesmanship which it could be desired to erect here to his memory. His judgment had been at fault; his predictions as to the war and its results failed; his subsequent predictions failed; his own ability and resources had failed to give the direction of stable peace which he most desired when he was at the head of affairs with a harmonious Cabinet, or to effect in the least the evil course of events, as he claimed, subsequently; and thus with a merely nominal influence in his own party, with less desire for worldly or political consideration he passed on to the end, before he was able to catch a glimpse of fraternal hands obliterating the "bloody chasm" in a better, freer, and more progressive Union.

## CHAPTER XXIII.

FRANKLIN PIERCE—THE MAN—HIS QUALITIES AND CAREER—HIS PRIVATE CHARACTER—A SOLITARY VICE—MRS. PIERCE AND THE WHITE HOUSE—HOME IN CONCORD—ON EARTH—THE END.

IN the winter of 1863 Mrs. Pierce died, but she had been so long an invalid that this event made little change in the life of her husband. In a true, manly way, with earnest and gentle devotion, he had clung to her to the last, and now he quietly continued on the road they had been accustomed to walk together. During the summers he spent much of his time down at Rye Beech on the Atlantic coast. He had a house down there, and Mrs. Willard Williams, his old housekeeper, kept it for him; and there he entertained his old political friends in a sumptuous style, and to his own hurt in more ways than one. His life had been marked by many admirable traits, and, may be, some great ones, and in most respects he sustained himself to the close.

His personal friends were not very numerous, nor did he put great stress upon what is commonly known as friendship. Among men, he was most attached to Nathaniel Hawthorne. His description of Hawthorne's journey to death is one of the most tender and beautiful things of its kind ever written by the pen of a

friend. For Mrs. Hawthorne and her children he had a warm, tender regard, founded mainly on his affection for the husband and father.

Among inferior animals, he had the kindest feeling for his horse, Ethan; and, perhaps, esteemed him more than he did a large portion of the men he had known. Ethan was, indeed, a fine fellow. In the summer of 1881 he was still living, at the great age of twenty-two years, and appeared as full of vigor and spirit as an ordinarily well-kept "seven-year-old" horse. Early one beautiful morning this fine animal, with great cheerfulness, carried Frank Hawthorne Pierce and myself over Bible Hill and down to Hillsborough Bridge; and among the things told me on this delightful trip was the following story of President Pierce and old Ethan:—

"My uncle treated Ethan with the care and attention not usually supposed to be due to a horse, and I think he was in the habit of regarding him as a true friend more than merely as a servant. He often told me that while Ethan did not comprehend a long speech, he understood quite well the few terms necessary in the progress of their every-day relations. To the indignity of a whip Ethan never had to submit, as he seldom failed to be ready on the slightest hint to take the gait most desirable to his master. My uncle had a strong feeling for Ethan, and I think this increased towards the close of his life. He told me more than once, that while riding behind Ethan one day in his buggy on the way from the Beech, he fell into a quiet study, in which he almost forgot where he was, or ceased to take any note of things around him; after a time, being aroused by a clap of distant thunder, he discovered that the horse had taken a gait in harmony with his mood,

and, as if he had himself joined in the reverie, was barely moving on the road. Seeing that no time was to be lost now, he gathered in the lines, and said: ‘Ethan, Ethan, come; we must jog on, or that rain will catch us.’ And no sooner was the word given than Ethan erected his ears and tail, tightened the bit in his mouth, and set out for home at great speed. ‘Ah!’ said my uncle, ‘I conjure you to take good care of this horse when I am gone; he has been a true friend to me; he never deceived me; he wanted nothing from me, that I was not giving him, and I am not sure that I have not come to think more of him than I do of many public men I have met, and some of my political and other pretended friends.’”

One of President Pierce’s religious friends wrote of him in “*The New York Observer*:”—

“One day he took me into his bed-chamber. His bed was removed a little way from the wall, and he sat down on the inside, while he removed a white curtain from before a picture—the portrait of a beautiful boy, his son, his only son; his son that was killed just as he was stepping into the highest office in the land. We wept together for some time in silence. The picture told the whole tale of disappointment, sorrow, and mute companionship. At length he said: ‘All the compensation Mrs. Pierce and I had in looking forward to this place was in the future of this dear child; we thought of him in these rooms, and of our pleasures in his, and what he might be in after life; but when he was taken away, it was all over; we would rather have gone anywhere else than to come here.’

“Another day was his reception-day, and he asked me to stand with him and assist in receiving the guests. Just before twelve—the hour of reception—he called at my room and took me to the East Room, where we walked up and down until the doors should be thrown open to the public. I was thinking how proud and enviable the

position of a man who is the head of a great Nation, the Chief Magistrate of millions of prosperous and happy people! As if he were divining my thoughts, he passed his arm over my shoulder, and, leaning upon me, said : ‘After all, the man who preaches the gospel and wins men to heaven has the highest office on earth.’

“Rarely, if ever, in this or any other country, have I met a gentleman of more refined and cultivated manners, of more humane and tender feelings, or of higher or better purposes. His gentle and assiduous attentions to his invalid wife were beautiful, blending the father and the lover, and shown in public and private alike, the habit of his life.

“One little incident will illustrate the man. I was walking on Broadway with him, on the Sabbath day, some years after he was President, when a fast young man, driving a gay horse, came dashing along, and the horse was suddenly pulled up, in consequence of the harness getting out of order. We stepped into the street ; I took the horse by the head, the President adjusted the harness with ready skill, and the youth drove on with scarcely an expression of thanks. I said to Mr. Pierce: ‘That young man will never know that he was helped out of that by a President of the United States.’

“He was a fine scholar, accomplished in his rhetoric, exceedingly happy in brief addresses, and in conversation, easy, genial, humorous, and agreeable. I say nothing of his political principles and official acts, because my associations with him were purely of a social and religious nature, and had no reference to public measures. Sympathy in a kindred sorrow led to our acquaintance, ripened into friendship, which, I trust, will survive the grave and be renewed in heaven.”

Pierce had a taste for the acquaintance of men of religious and good habits; and in his last years a

friendship sprang up between him and one of the Concord clergymen, although he seldom attended that Church. This friendly relation grew out of his meeting and introducing himself to the minister, and telling him he would be delighted in helping to make him at home in his new field at Concord.

Not long after the death of his wife, marriageable old women, busybodies, and the like began to talk of the probability and propriety of President Pierce marrying again, and even went so far as to enter upon the preliminary calculations; but he gave little or no heed to these light-minded and erroneous capers. If Franklin Pierce had sins and follies to answer for, it is at least delightful to reflect that one of them was not in letting down the dignity of the Presidential character, or in selfishly forgetting what was due from him to the true wife who had stood with him in his good fortune, or exhibiting in animal weakness the declining days of his life by a second marriage.

On the corner of Main and Thorndike Streets in Concord, New Hampshire, stands the house in which Pierce lived when elected President. It now bears the name of "The Elms," from three great elms that stand in front of it, and is the home of one of New England's gifted writers, Jane Anthony Eames, the widow of the Rev. James H. Eames. The house is a plain two-story frame, but is a pretty place, beautifully located, and at the time Mr. Pierce lived in it, was owned by Willard Williams, who also lived in it. Or, in the language of Concord, Mrs. Williams

was General Pierce's housekeeper. Only a few doors north of this house, at number fifty-two Main Street, is the house in which Pierce spent his last days, and in which his wife and himself "died." This, at that time, was a two-story square brick house, with a long parlor, wide hall, sitting-room, dining-room on the first floor, and four rooms on the second floor, in the south-east front one of which President Pierce died. In the rear of this main building there were a kitchen and one or two other rooms. This house was built and owned by Willard Williams, through the help of General Pierce, and here, too, Mrs. Williams was the housekeeper. This house has passed into other hands, and has been greatly improved by adding some rooms in the rear, changing the old flat roof for a mansard, and putting in this mansard top a billiard-room for the use of the family, if this may be considered an improvement. The walls have also been covered with "mastic" and otherwise changed for the better.

Pierce continued to live with the Williamses until his death, Mrs. Williams, who was an intelligent and exceedingly attractive woman, giving him every possible care and attention. To this family he was greatly attached, and here was all the home he had during the latter years of his life. To Mrs. Williams he left eighteen hundred dollars by his will, and to her daughter five hundred. But after his death, thinking she had not been sufficiently remunerated for her services to General Pierce, Mrs. Williams presented a bill against his estate. This, Judge

Minot, the executor, submitted to three arbitrators who settled with Mrs. Williams for twenty-seven hundred dollars in addition to what the will allowed her. But General Pierce had treated Mrs. Williams very liberally and kindly, not only having paid her well for the care of himself and wife, but had made her many presents, some of them quite valuable.

For several years General Pierce had not enjoyed good health. Of winters, especially, he had suffered from a cough, which every subsequent cold season more surely confirmed. At this time, even in the language of drinking men, he would "drink to excess." This was the known vice of Franklin Pierce's life. At times he deeply mourned it, but never seemed to have the power to break it off. He considered it an inheritance, and felt himself under its yoke. While no strong, high-minded man could for a moment sanction or apologize for this unmanly and pitiable defect, few, perhaps, would hesitate to throw the gentle robe of charity over this fault in the character of the generous, almost womanly-natured Franklin Pierce.

Although his mind remained clear, his physical frame gave way several days before the end, there being the greatest difficulty in arousing him from the lethargic slumber in which he finally died, at twenty minutes before five o'clock on the morning of the 8th of October, 1869, having been for a month confined to his room. At this last moment but four persons, Dr. H. W. Tibbetts, Mrs. Seth Hopkins, and Mr. and Mrs. Willard Williams, were at his side.

On the same day President Grant made the following announcement:—

“WASHINGTON, October 8, 1869.

“The painful duty devolves upon the President of announcing to the people of the United States the death of one of his predecessors, Franklin Pierce, which occurred at Concord early this morning. Eminent in the public councils and universally beloved in private life, his death will be mourned with a sorrow befitting the loss which the country sustains by his decease. As a mark of respect to his memory, it is hereby ordered that the Executive mansion and the several departments at Washington be draped in mourning, and all business suspended on the day of the funeral. It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on this occasion to the memory of the illustrious citizen who has passed from among us.

“U. S. GRANT.”

Although Franklin Pierce was not a member of a Church, he possessed deep religious convictions, and to some extent practically, as well as theoretically, was a Christian. During his last years he attended the Congregational, Unitarian, and Episcopal Churches, giving his preference, perhaps, to the last named.

His funeral took place on the 11th of October. After a short “service” at the residence at eleven o’clock, the remains were conveyed to the Hall of the Capitol, and after lying “in state” there for a short time, were conveyed to St. Paul’s Episcopal Church, where several of the clergymen of Concord aided in the final religious rites. The body was then followed by a large concourse of people, many of

them strangers from abroad, to its last resting-place in the "Old North Cemetery" in the outskirts of the city. The grave of President Pierce is near the northwest corner of the inclosure, called the Minot lot. This lot of half an acre is within the general inclosure, but is itself surrounded by a high iron fence. The monument of Pierce is of Italian marble, fluted and mounted by a cross, the whole being fourteen feet and eight inches high, the base being New Hampshire granite, three and one-fourth feet square. The only inscription on it is on the south face, and reads :—

"Franklin Pierce, born November 23, 1804, died October 8, 1869."

And on the plinth, in raised letters, the word. "Pierce."

By the side of this, on the east, is another small four-sided Italian marble monument, also mounted by a cross, which bears this inscription : "Jane M. Appleton, wife of Franklin Pierce, born March 12, 1806, died December 2, 1863."

On the west side are two little square white stones running to a point, one bearing these words : "Frank Robert, son of Franklin and Jane M. Pierce, died Nov. 14, 1843, aged four years and two months.

"A loved and precious treasure,  
Lost to us here, but safe in the Redeemer's care;"

And the other : "Benjamin Pierce, born April 13, 1841, died Jan. 6, 1853. 'Go thy way; thy son liveth.'"

In this Minot lot and out of it in the general inclosure are the graves of many of the old citizens of Concord, but of late years the interest of the place has mainly centered in the new cemetery. Although the Minot lot wears the air of exclusiveness within its iron fence, with its white concrete walks and well-set grassy beds, all this is, perhaps, to be attributed merely to the tender care which looked forward to the day when the old ground would fall into decay. On the very outskirts of this old cemetery, however, stands a pretentious granite pyramid twenty or twenty-five feet high, which looks as if it were designed to be everlasting. It bore an unknown name, a fact which aided in diversifying the train of thought started by the place. As I emerged from the wide-open gate I met a careless and apparently thoughtless stroller, to whom I said:—

“What great or good thing was done by the man whose body lies there that he deserved so great a monument as that?”

To which he laughed, and then replied:—

“Oh, well, sir, I do n’t know that he ever did anything great or good. I never heard of anything, but rather the opposite; he was only rich.”

This man was thoughtlessly giving the history of most of the costly monuments of the world, and the foolish opinion of a large part of the world as to greatness: “only rich.”

President Pierce left an estate amounting to about eighty-five thousand dollars. After bequeathing seven thousand dollars to his only brother, Henry Dear-

born, three thousand dollars to the wife of this brother, ten thousand dollars to Kirk Dearborn Pierce, son of this brother, several thousands to others, and other small sums of five hundred dollars and less to quite a number of relatives and friends (among whom were three children of Nathaniel Hawthorne, five hundred dollars to each of them), he left the residue, about forty thousand dollars to his nephew, Frank Hawthorne Pierce, son of Henry D. and Susan T. Pierce. The will includes several small public bequests, as one thousand dollars to the Public Library of Concord. A little bequest is made to Richard S. Spofford, of Newburyport, Massachusetts, one of General Pierce's political Richmonds. One of his fine pictures ("The Savior before Pilate") he also bequeathed to Spofford. To Judge J. Minot, his executor, he bequeathed one thousand dollars, also two hundred dollars each to the Judge's three daughters. His two swords, one from the women of Concord presented in 1847, and the other from the State, presented after his return from Mexico, General Pierce left to his two nephews, Kirk and Frank, with the advice to use them *against foreign invasion of their country, and in protecting the Constitution framed by the Revolutionary fathers.* This last is the only striking and peculiar feature of his very long will, which is dated January 22, 1868.

In the State House, in the Hall of Representatives, at Concord, there is a full-length portrait of President Pierce, which, I was told by his friend and admirer, John M. Hill, is, in the main, a fine likeness.

Neither this nor any of the pictures of him which I found at his old home in New Hampshire, was to any great extent like those spread over the country, and the caricatures to be seen in school histories and books of biography. So the smooth, boy-like things represented as Franklin Pierce, omit most of the real, rugged, and strong features of his face. There is no bust of him extant. In form of body, from head to foot, he was finely made, a real Apollo. For this statement, too, I have the authority of the well-known friend mentioned heretofore. He was, however, lacking in that height which always accompanies real dignity of person.

In the fine collection of portraits in the State House at Concord, there is among the governors an excellent picture of old General Benjamin Pierce. Here, too, can be seen the thin, sharp face of Isaac Hill, a Democrat indeed, after General Jackson's own heart.

In gentle and sympathetic manners and feelings few public men were equal to Franklin Pierce. He took a real and deep interest in all worthy persons around him, even in lower animals; he was liberal and generous in his nature toward men and their opinions in ordinary life; he had winning, if not brilliant manners; was quick and clear in his perceptions; what he desired to comprehend he mastered without difficulty and without delay; he convinced himself of the correctness of his opinions, and then seldom or never departed from them; from first to last he swerved little in his political career; while

gentle and yielding in minor matters, he was, as President, at the head of his Administration in fact as well as name; he had a stubborn and peculiar Cabinet, and without his cementing power it never could have held together; the very idea of harmony between William Larned Marcy and Jefferson Davis would have been preposterous without Franklin Pierce. His progress into the favor of his party had been quite extraordinary. At the age of twenty-five years he had gone into the Legislature; at the eligible age of thirty-three he became United States Senator, after having served in the Lower House of Congress; and before he was forty-nine he was elected President.

Neither as a lawyer nor politician was he a persistently deep and exhaustive thinker. He was in no sense a philosopher, and his disposition to deep reason and thought only kept pace with the easy-going demand around him. As lawyer and politician, however, after he was once fairly going in the world, he did not often, if ever, fall below expectation, and indeed as a politician especially his good fortune was of the exceptional character. His four years in the White House were not earned by his great party services, his public deeds, nor his superior qualifications.

He was successful in his profession in most senses, and if this were the only standard of greatness, his claim to the position of great lawyer would be indisputable anywhere. Ability he had, and his varied talents gave him reputation. His ability and success brought him wealth, which, however, he never could

have kept of himself. Like all other Presidents of the United States, whatever else may be said of him, it can not be charged that he stooped to speculate on his advantages.

In him there were few aristocratic traits. Although he did not take hold of life again actively after the Presidency, it was not because he had any thought of setting himself up as a shrine at Concord. He lived plainly, without any kind of pretensions. He had a carriage and horses, but when he went out in town he commonly walked; and with his friends and acquaintances acted and lived as he always had done. Yet it must at last be confessed that most of his traits were more amiable than positively good. His political principles were, perhaps, better defined and more evenly and determinedly adhered to than his religious or moral ones. In these things he was equal to most men; and in nothing, perhaps, did he rise above a fair elevated standard of ability, wisdom, and virtue.

Jane Means Pierce was born March 12, 1806, at Hampton, New Hampshire. She was the daughter—the youngest child—of the Rev. Jesse Appleton, one of the presidents of Bowdoin College, at Brunswick, Maine. She received a careful and thorough education from intelligent and religious parents, but was of such highly strung and sensitive nature as to render her contact with the world, at times, exceedingly annoying. This trait made her retiring in her manners and habits, and led her to approach with apprehension and distrust a showy and public life. Her

maternal relatives resided at Amherst, Massachusetts, and there she met Franklin Pierce while he was yet a law student. In November, 1834, they were married. Her tastes and character had much to do with the habits and inclinations of her husband. In his Congressional days she seldom visited Washington, and of the few things she could have chosen for her husband, the pursuit of politics was the most distasteful to her. It was difficult for a man to hold a conversation on political topics in her presence, so liable was she to show her indifference or disgust with the subject. Still she learned to take a sufficient interest in everything which concerned her husband, and, as far as possible, he shaped his course to conflict little with her tastes. She performed her task as mistress of the White House as well as her delicate health would permit, and when the Civil War came on she shared with him the fears, hopes, and anxieties of the times. She was the mother of three children—all boys. The first of these died in infancy.

The following letter from her mother on the death of her second child, in 1843, will throw some light upon her life at this time:—

“BOSTON, November 20, 1843, }  
“Monday morning. }

“You are this morning, my dear children, fully sensible that there is a blank left in your habitation which used to be filled with the brightness and joyousness of your dear little Frank. I often think of him as he appeared when coming into my chamber to bid me good-morning, and ask for some of his playthings that were left in my care. In his last visit at Lowell how little did I think that he would be called before me to leave this world!

"I have a great many pleasing recollections of the dear boy, and Mrs. Mason says she is very glad that she saw him last summer. Mrs. Lawrence says that she was so situated when you called here with him that she did not have time to become acquainted with him, but recollects his appearance well. They all sympathize with you both in this bereavement. Robert has given me an account of the last sickness and of the funeral, and the support you had given you to bear up under the trial of separation.

"You no doubt experienced this far beyond what you could have expected in view of the event. The comforting belief that he has not only escaped many evils 'which flesh is heir to,' but has been received by his Savior, who said, 'Suffer little children to come unto me, and forbid them not,' is sufficient to check immoderate sorrow for the loss of a child so young.

"Yesterday I thought much of you both. I did not go out myself, although the day was fine; my strength was hardly equal to the exertion; but I endeavored to mingle my prayers with yours, that this event may be sanctified to us all, and lead us to a constant reliance on God for all things that we need, and a cheerful trust that he will do and has done what was best for us; we every day repeat: 'Thy will be done.' May that true submission and trust in the rectitude and government of our Father in heaven so fill our hearts, that we shall feel no disposition to complain, but rather to rejoice that we are under the care of One who will order all our ways for us! If they are dark to us, should it not be sufficient for us that He has said: 'What I do thou knowest not now, but thou shalt know hereafter?' Your dear little Ben will be outgrowing his timidity soon, and you will, I hope, have much comfort in watching his improvement in health and in talking. May your own health be precious in the sight of God! I trust that you will not sink after the anxiety you have experienced. The kindness of your neighbors will give you a new interest in them. Mary speaks of their attentions with pleasure and gratitude, and you will, better than you ever could before, appreciate their value. A time of sickness and affliction softens our grateful affections, and as we *need* aid, and it is so kindly offered, we accept it most thankfully. I have had great experience in this way from

many whom I shall remember while I live with gratitude, one of whom called and sat an hour with me the other day—Miss H. Stone. She has a heart alive to sympathy, and expressed it for you in this time of bereavement. Mr. Packard's family were quite well when she left home. Mr. and Mrs. McKeen have gone home; she much improved in health by her journey into New York, and her visit to her mother and sisters in Albany and Rochester.

*"Tuesday morning.—I am now nearly as well as when I took my cold, which, although not very severe, has been affecting me in some way nearly a fortnight. The anxiety that was constantly felt about dear little Frank while he lived, and for the rest of you, no doubt tended to prostrate my strength. I think often how many endearing traits of character he possessed, and can well understand that you will miss him everywhere. But I trust no murmuring thought ever is allowed to take possession of your hearts. His Heavenly Father but lent him to you for a season, and you will have many delightful recollections of him, especially when any of the things that used to amuse him catch your eye, or any of his favorite stories, read or told, come to your mind. It is often my wish to be with you in this season of affliction ; but my strength is not equal to much exertion, and it is undoubtedly best for me to remain here some weeks longer, especially as my dear friends here urge it, and as I do not make my sister much additional care, and am able always to enjoy her society and Mr. Lawrence's, and to see any of my other friends when they come in, as they do every day, some of them. All are well at your uncle Mason's, and send love to you. I called in yesterday, after riding in the morning to do some errands in Washington Street. Jane Mason is expected to come home to-morrow. Your note was sent to her, and Mary thought she would answer it from Salem. At what time we will be able to go to Concord, I can not tell until we see her. I fear not as soon as you would wish. Do not neglect to go out every fine day, either to walk or ride. It will do you good, and help you to prepare for the winter cold. It is now raining quite fast. We have had but little snow yet."*

"Ann E. Hall is at Lowell now. She left her best love for you both. Spoke much of the delightful visit they had from

you and Frank, and wished it were in her power to go home by way of Concord. I met Miss M. McGregor in the street yesterday. She did not call upon us, as she said she was in haste. Her mother and children are well. She desired me to give much love to you, and tell you that they all sympathized most deeply in your affliction.

“Your uncle and aunt L. are both pretty well, and send warm expressions of love to you. Robert dined with us yesterday, and left with me the inclosed little book to be sent to you. Mr. Pierce will read it with more pleasure as being the production of his friend Hawthorne. Robert read it aloud to us one evening from the ‘Democratic Review’ where it was first published, and I was very glad to see it come out in this form. Write me at length as soon as you can conveniently, and let me know of your health and everything that interests you. It will gratify your affectionate mother,

“ELIZABETH APPLETON.”

The following interesting letters I find among the papers left by General Pierce, placed in my hands by the kindness of his residuary legatee:—

“CONCORD, Monday P. M., August, 1843.

“MY DEAR HUSBAND,—This is the first time I have had an opportunity to write you, and indeed I did not think of it before I received your letter on Saturday evening, because I expected yourself; and we were grievously disappointed that we did not see you. I say we, for dear Mary was here still—detained much to her discomfiture and inconvenience by the driver forgetting to call and take her to the cars. She had yielded to my earnest entreaties to stay until the afternoon cars, but felt that her return for many reasons was then entirely indispensable. You may imagine how disheartened we were for a while, but after talking it all over, we consoled ourselves by going to the bath, and had the children bathed in the evening. Yesterday we went to hear Mr. Noys in the morning (taking little Alfred), and the afternoon Mary thought she would like to hear Mr. Bonton, and we went, but were caught in the shower coming home; in the excitement took no cold, however. Last night

poor Alfred seemed ill, and was more so this morning, his dear mother tired with watching and anxious; but they went in the eleven o'clock cars, and I hope are safely at home now; but I will not feel easy until I hear from them. You were wished for many times in our disappointments and dilemmas, and it was one of the consolations suggested on Saturday afternoon, that by staying Mary would see you a day or more, and that you would prevent all anxiety and inconvenience about the cars again. Frank and Benny I thought required a visit from the doctor, and he called this afternoon. Ben has been much troubled with worms and loss of appetite, etc., and Frank seemingly much in the same way as before you left. I have been up with him four or five times every night, and felt that it was time to ask the doctor's advice. The weather has been exceedingly unfavorable to health; so damp and warm. I have not said yet that one great comfort in not seeing you at home was that you had an opportunity of going to the beach and receiving so much pleasure and benefit from it. I wish Frank was with you. I think a visit of two or three days in fine weather would be a benefit to him. The children enjoyed Alfred's visit very much, but it made each of them rather more troublesome. Mrs. Parker called and passed an evening here; is still in town. I hope you will not fail to be at home on Wednesday. I had hoped that you would be able to stay at home through this week, as you must go on the next. We hear that Mr. Packard is coming among his friends this vacation. I can not but hope he will be here, especially if you can be at home at the time. I must stop now and finish a letter to him which Mary began. Mr. Caule went on Friday with General Peaslee; I believe intended to go as far as Bangor. I am glad he has gone. He looked miserably Friday morning. Hope he will return much better.

“Your ever affectionate wife,                           J. M. PIERCE.”

“SATURDAY MORNING, just after breakfast.

“MY BELOVED HUSBAND,—I write a line in view of the wintry look without, and with the recollection of your letter received last evening, giving me good accounts of precious Benny, and at the solicitations of sister M. and the rest, who

come and say: ‘Give my love to Mr. Pierce, and tell him that you are not coming home to-day at any rate.’ Still I shall not feel quite right until I have the promised line by the afternoon mail, and good accounts of you and my sweet Benny. I send their clothes home that Mary may have them on Monday morning. I shall take the twelve o’clock cars on Monday. I earnestly hope and pray that all may be well with you until that time. I know how watchful you and Pamela both are in regard to the dear child. She must not relax in her care, but see that his feet do not get cold; that he is well covered at night, in regard to his diet, etc. I send a little book which Aunt Mary took up and told me to send to Benny. It will amuse him when he finds his mother does not come. He will like the little ‘farmer boy’ I see in it. I went over with Mr. A. and Harriet to Miss Tenboll’s funeral yesterday, a private one, and she had to be carried to Mount Auburn this morning. She died in much peace.

“I hope you did not suffer from speaking, but must say good-bye, in haste, with remembrances to the girls. Tell dear little Benny his mother loves him dearly, and has got a little knife for him. Your ever affectionate

JANE.”

“BOSTON, Saturday evening, 1847.

“**MY DEAREST JEANIE**,—Your letter came duly by the express. I can not trust myself to talk of this departure. My heart is with my own dear wife and boy, and will ever be wherever duty may lead my steps. I shall be ready to leave on Monday; but it is quite possible that I may not go to Newport before Tuesday, or possibly Wednesday. I have been constantly occupied in making arrangements and purchases for myself and Major Sally, who has had no opportunity to return from Newport, and will sail on Monday. I have seen Robert, but have been as yet too much occupied to call on other friends. I shall write you, dearest, from Newport. Kiss dear Benny, give my kindest regards to Miss Carroll, and believe me ever, with devoted affection, your own

FRANK.”

On the 6th of January, 1853, while making a trip on the Boston and Maine railroad, the train in

which President Pierce, his wife and only son were riding was thrown from the track, and the little boy instantly killed. This event greatly changed the prospects before Mrs. Pierce. The thought of life at the White House at Washington had become tolerable to her in view of the satisfaction it would afford poor little Ben. To her such a life never could have had a grain of satisfaction in it. With this sentiment her husband strongly sympathized, and there is no doubt that he looked with uneasiness to the coming of the 4th of March, as she certainly did.

This sad accident drew out some unusual marks of sympathy, which were as liable to misconstruction as the President's own reference to his bereavement in the inaugural address. The following letter goes some way in justifying the charge that even in death distinguished men make capital of their manners and sufferings and prepare for posthumous fame:—

“WASHINGTON, February 26, 1853.

“GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 28th ult., covering the resolves of the Legislature of Massachusetts on the subject of the recent most afflictive dispensation of Providence in my family. Next to a confiding reliance in the wise and good will of God, which is our duty under whatever vicissitudes of life, it has been the means of consolation to me in this great calamity, to know and feel not only by reason of public acts like that of the Legislature of Massachusetts, but also from private declarations of kindly interest, to which in the pressure of public engagements it has been impossible for me to reply individually, that sympathetic emotions had been awakened in the breasts of my fellow-countrymen by the domestic privation which has befallen me. I beg you to communicate to the legislative bodies over which you

preside, the expression of heart-felt gratitude of Mrs. Pierce and myself for this manifestation of public confidence; and I am, with great consideration, gentlemen, your obedient servant,

“FRANK PIERCE.

“The Hon. C. H. WARREN, President of the Senate, and Hon. GEO. BLISS, Speaker of the House of Representatives of Massachusetts.”

In this bereavement President Pierce exhibited two sides, an aesthetic and a coarse side; or a real and true one and one for effect. This letter and the reference in his inaugural show the coarse and politic side. It gave the President an opportunity to start well in the sympathy of the people, as well as an opportunity to show his reliance on the Unseen Hand that is said to smite. A “dispensation of Providence” should not be a subject of sorrow or public personal immolation. The cry of pain grates harshly by the side of the prayer, “Thy will be done.”

The quotation on a previous page from “The New York Observer” shows the aesthetic side of the President’s course as to the premature “death” of little Ben. He delicately uncovers the image of the little face, and alone or with one who might reasonably be expected to enter into his feelings, displays the real heart there was in the case. There was no fiction there, no formulated cant. The fact that this picture was concealed from the ordinary gaze, from the curious eye, and flippant lips, and even from his own view in busy moments and unfit moods, was an indication of delicate and exalted taste. How far Franklin Pierce and his refined wife carried this principle into general practice does not clearly appear, but

certain it is that nothing can be more liable to unfavorable criticism than the open display of family portraits. It is thoughtless and vulgar egotism which places before every eye the portraits of the living members of the family ; and to expose those of the departed in that way is inconsiderate, and the whole is lacking in that refined and noble elevation which would prefer others to self. Even the pictures of personal friends may be displayed with great caution in the frequented parts of dwellings. The portrait gallery of the family and friends should be among its secret and sacred treasures. The public display of these things, besides showing the absence of careful discriminative taste, may often be ridiculous, and sometimes even insulting.

Mrs. Pierce was neither able nor willing to bear the fatigue and excitement attending the inauguration of her husband. She reached Washington on the 11th of March, the President having gone to Baltimore to meet her. This first summer at the White House was passed in unusual quietness by its occupants. When Congress convened in December, the Capital assumed its accustomed gayety, and it is said that social affairs were conducted on a grand scale at the President's. Democratic Presidents and others who bear the name Democrat, are no exception to the contemptible fact that position and wealth at once assume the airs of aristocracy. At the White House there were the weekly morning and evening receptions and the weekly dinner. In fact the Executive home was hardly ever without receptions and dinners ; and

in the midst of all this incongenial excitement Mrs. Pierce was seldom from the post assigned her. Her delicate health and life sometimes held her back, but she usually appeared in her gentle way wherever her presence was required or expected, or wherever she could aid in making her husband's Administration acceptable to the friends and the public. She was not an attractive woman either in face or person, but to a great extent made up for these defects in her gentle and agreeable manners and fine qualities of heart.

The members of the diplomatic corps, to a great extent, were married, and had their families in Washington. These added greatly to the grandeur of affairs in "court circles." In January, 1854, poor old Bodisco, the gourmand who married the Georgetown school-girl, died, much to the regret of these society people, who gloried in his gorgeous parties and feasts. A vast number of women of beauty, tongue, and style appeared at Washington during this Administration, and among them Harriet Lane, who, in a little while, became the stubborn mistress of the White House.

This is the way President Pierce went to Church in 1853, as told by a "correspondent" of some newspaper :—

"A handsome two-horse carriage, with driver and footman attired in plain blue dress, drove up, and a gentleman and lady—the latter dressed in deep mourning, and wearing her veil over her face—stepped out and entered the church before me. The gentleman I had seen once before on an occasion of deep solemnity; it was while the ashes of the lamented Webster 'were being' consigned to their last resting-place; but the pale and thoughtful

features had then impressed my memory, and I instinctively recognized in the personage before me the features of Franklin Pierce, the President of the United States. The pair passed in unnoticed, and took their seats in an ordinary pew in the center of the little church. The congregation was small and far from fashionable, and none seemed to be aware of, or if they were, to consider in any way remarkable the presence in their midst of the Chief Ruler of this mighty Republic, and of his amiable but grief-stricken consort. . . . I myself lingered at the portals of the church for some moments, till the negro verger informed me that I might step into any of the vacant pews. I mechanically followed his direction, and by the merest chance found myself seated on the bench just in front of that occupied by the distinguished persons referred to. In all this I could not help being struck with the unassuming deportment, the piety and simplicity of him who is the elected head and governor of the greatest Nation of the universe."

The greatest nation of the universe! It is quite evident that this far-traveled writer was affected with the incubus of greatness in his vaunted republican simplicity. How else should the President go to church? Should it be carried to him, that he might not be compelled to worship God after the manner of other men? Out with all this childish and unmanly folly! No truly great man can be so exalted that the least thing that is good falls beneath his notice, or is unworthy of his own care or effort. The dreams of the great are of the good, the true, and beautiful. Greatness neither occupies their attention nor troubles them. Wealth and position are only instruments for furthering their beneficial purposes.

Both President Pierce and his wife closed their life at Washington with great satisfaction. The quiet they valued above all else they now hoped to have.

The White House had no charms for Mrs. Pierce, and, unlike most other women who have been fortunate enough to preside over it, she never looked back to it as the earthly Mecca.

In the fall of 1857, Mrs. Pierce and her husband sailed for Europe. Six months they spent on the island of Madeira, and subsequently they spent more than a year traveling in England, France, Italy, Spain, and other countries. Still, all this change of scenery, climate, and life did not restore her to health. Late in the winter of 1859 she made another trip with her husband; this time to the Bahama Islands, and with about the same result.

The following interesting letter was written soon after the beginning of the war:—

“HILLSBORO, Sunday evening.

“DEAREST JEANIE,—I thought I would take the . . . this morning of hearing an . . . sermon, and went to the Congregational meeting at the Bridge. Mr. Brickett had exchanged with the minister at Irmaston, but with loss, I think, so far as I was concerned. I was refreshed by plain gospel preaching, put with more than ordinary power. Prayer, sermon, hymns, had no special reference to the present fearful condition of our country. They looked above and beyond. The sermon did me good. The text was from the second chapter of Micah, tenth verse: ‘Arise ye, and depart, for this is not your rest.’ The subject was discussed with ability, and apparently with humble Christian fervor.

“When I wrote Friday evening, I thought, and perhaps said, that I should send this to-morrow; but as I shall be absent two or three days at Washington and Goshen, I think I will reserve it for Tuesday.

“*Monday evening.*—I rode this morning on horseback to West Washington, to see my houses there. To-morrow my brother and myself go to the . . . place and to Goshen.

We shall return on Thursday or Friday, and perhaps I may go to Anderson on Saturday. The boy has just brought in your note of Saturday, for which I am thankful, although you do not say one word about yourself, the subject in which my interest concentrates. I do not wish to see General Patterson's address. I know him, and know that he can do what I can not do—bow to the storm. My purpose, dearest, is immovably taken. I will never justify, sustain, or in any way or to any extent uphold, this cruel, heartless, aimless, unnecessary war. Madness and imbecility are in the ascendant. I shall not succumb to them, come what may. I have no opinions to retract, no line of action to change. Give my love to dear Mary and all.

“Your affectionate husband,      FRANKLIN PIERCE.”

On the 17th of August, 1861, Mrs. Pierce made a will, in which she constituted Judge Josiah Minot, always the friend and defender of her husband, the sole executor. Mrs. Pierce had a small property when she was married, and none of this did her husband ever use. In the will she bequeathed five hundred dollars to the American Bible Society, one hundred to the American Society of Foreign Missions, one hundred to the American Colonization Society; and these she stated were to attest her faith in their utility, and in the Christian religion; to her only sister, Mary M. Aiken, she left two thousand five hundred dollars; to her niece, Jane Aiken, five hundred dollars; to thirteen of her nephews and nieces (the Packards, Aikens, Ripleys, Lords, and Appletons), twenty-five dollars each, as mere tokens; quite a number of diamonds and gold pins, rings, and many other articles she gave to various relatives, always to denote her affection, or that they might hold her in memory thereby; even her traveling sack was

bequeathed to Mary A. Vandervoort, a "kind and true friend;" to two girls, long hired in her family, she also made bequests of tokens; and all the residue of her property she gave in full and forever to her husband. This will begins simply: "I, Jane M. Pierce, wife of Franklin Pierce."

On the 2d of December, 1863, she died at Andover, Massachusetts; and, on the 5th, her remains were buried at Concord, New Hampshire, by the side of her children. "Other refuge have I none," are said to have been among the last words of this gentle spirit on earth.

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